

Ashland Board of Health Meeting Minutes
Ashland Town Hall, 101 Main Street, Ashland, MA
Selectmen's Meeting Room, 7:00 P.M.
August 9, 2016

Jon A. Fetherston, Chairman
Charles Legassey, Vice-Chairman
Judith Margulies, Clerk

Mary Mortensen, Member
Koduvayur Narayana, Member
Mark Oram, M.P.H., Agent/Director

Members Present

Jon Fetherston, Charles Legassey, Judy Margulies, Mary Mortensen and KG Narayana

Others Present

Mark Oram, Health Agent / Director
Laura Clifford, Administrative Secretary
Michael Herbert, Town Manager
Jenn Ball, Assistant Town Manager
Scott Boothby, Fire Chief
Joe Magnani, resident
Steve Mitchell, resident
Carl Hakansson, resident
David Buckley, MassDEP
Jen McWeeney, MassDEP
Paul Locke, MassDEP
Maribeth (Kane) Rabidou, resident
Spencer Rabidou, resident
Mark Dassoni, resident
Kat Robinowitz, resident
Ann Seymour, resident
Steve Morgan, resident
Marie and Bernie Kane, resident
Paul Pehoviak, resident
Kim McGreal, resident

Call to Order

Mr. Fetherston called the meeting to order at 7:09 p.m., noting that the meeting was being broadcast live on WACA-TV, and audio recorded, and that the agenda was subject to change.

Citizen's Participation

Mark Dassoni said he has visited the Howe Street Landfill work site and that they were okay with him being there.

Discussion of the RTD Project

Michael Herbert thanked the Board for the opportunity to discuss the project and said nothing is more important than safety. Mr. Herbert said it is important for the public to know that we have regular meetings that include NEMA, EPA, DEP and State Police which explicitly talk about safety, no issues have been identified that would present eminent life danger. Mr. Herbert said that there have been instances where caps had been breached and repaired successfully; Ashland is the one that is used as a case study. Mr. Herbert stated that we should focus on the operational cleanup of Site 2, opposed to issues that won't affect public safety.

Fire Chief Scott Boothby and Emergency Management Director, said that he is in direct contact with MEMA, EPA and DEP, who are available 24 hours a day, as well as NERAC, Framingham DPW, and the MRC. The Town would use reverse 9-1-1 as a means to inform residents of an emergency, as well as the Town website and social media. Chief Boothby said that in regards to the blasting at the Rail Transit Apartments, they will have detail there at all times, they will work with the school schedules, they will hand out flyers and will signal by horn when blasting is occurring.

Mr. Herbert stated that they have required the developer to drill four additional ground monitoring wells around the site for a minimum of 4 years, as well as requiring the use of double mats to prevent flyrock. Mr. Herbert said that the developer will also be videotaping the blasting events, and that they have not yet revised their blasting plan, and that they may decide to handle with mechanical methods.

David Buckley, DEP Project Manager, said that DEP's presence tonight shows that they understand the seriousness of the project. Mr. Buckley stated that they have come to the conclusion that the blasting will not impact the cap, adding that their concern is the public health and they are confident that blasting can go forward. Mr. Buckley said he understands there is a lot of fear but the message is that the blasting will not impact the cap.

Mr. Narayana stated that he found two studies from Illinois and Australia, adding that the study in Australia looked at the impact on landfills next to blasting areas, and it gave him fairly good confidence, but is waiting to see the Illinois study. Mr. Buckley said he worked on a project involving blasting at a superfund site in Tyngsboro in the late 90's with no impact to the cap.

Discussions continued regarding mitigation systems in the area homes. Mr. Buckley said that there are 43 systems, and some opted to not have the system, and DEP checks the systems once per year.

Paul Pehoviak stated that a friend who worked on the original cleanup said he had encountered uncapped sledge. Mr. Buckley said there is some covered sediment, those areas are documented and routinely monitored. Mr. Buckley stated that both DEP and EPA have been committed to address any ongoing exposures if they are identified and that they will follow up with any credible information provided to them.

Mr. Fetherston said he invited the developer to attend tonight's meeting but they had a prior commitment. Mr. Fetherston said that he spoke with Lloyd Geisinger, who, Mr. Fetherston said, is concerned with public safety of the project.

Mr. Dassoni thanked DEP for coming to the meeting and that safety has come first.

Paul Pehoviak said that Michael Herbert has done a tremendous job to make this project safe, but doesn't feel this project benefits Ashland in any way due to his many safety concerns.

Kim McGreal said these are reactive discussions and has heard no specific plans regarding the clean up. Ms. McGreal inquired, and Mr. Herbert responded, that the advisory panel will be on the September Board of Selectmen agenda. Mr. Herbert stated that EPA will be responsible for the clean up and they will be doing a presentation for the community in September about what has happened and the clean up moving forward.

David Perry said that after hearing 20 minutes regarding emergency response procedures, this confused the picture.

Steve Morgan stated that there hasn't been risk analysis done as he had asked for months ago and doesn't know why executive session minutes have not been released.

Kara Tirrell stated that everyone has the same goal, which is making sure the remediation is addressed, adding that we need to think about the ordinary citizens who were there and the ones who pushed with their activism.

Marie Kane stated that in 2000, 2 years after losing their son, a study was commissioned. Mrs. Kane said that they chose to do the shorter study and it was found that Nyanza was responsible of the death of their son, adding that if the larger study was done, there may have been many more deaths. Mr. Oram said that study from 2006 is online, and said the Bureau of Environmental Assessment can be reached at 617-624-5757.

Mr. Pehoviak said that they see people fishing in the Sudbury River, they are eating these fish, and there are no warning signs. Mr. Pehoviak said that kids are swimming in the Ashland Quarry, which is full of nitrates, 200 yards of the fence is down; if this is going to be built, he would like to see fences and warning signs. Mr. Buckley said the signs are to be posted in multiple languages, and that it is EPA's responsibility; he said they will point this out to EPA.

Carl Hakansson said he wanted to reassure the public that they are working diligently with Town management to make sure these questions are answered. Mr. Hakansson commended DEP for bringing their crew out, even if they're not the exact answers, it's a slow process.

Mr. Narayana said these projects don't come before the Board of Health because RTD, he was told, is not a subdivision. Mr. Narayana stated that the Site Plan mentions other permits or approvals, including Board of Health. Mr. Narayana distributed copies of a draft blasting permit he created and said blasting should require a joint permit from Fire as well as the Board of Health. Mr. Narayana said that there should also be certain measures taken to require any construction which brings water bodies to keep the water moving to prevent mosquitoes and possible Zika virus. Mr. Oram said regulations would need to have a public hearing and have Town Counsel approval. Mr. Fetherston said these would be added to the next agenda. Mr. Narayana would also like to have well regulations require annual testing.

Mr. Fetherston said the RTD developers will be coming to the Board of Health for an irrigation well permit and for a pool; he was surprised he was not aware of this. Ms. Margulies stated the developers should also be asked if there will be a children's play area, and where it would be located.

Mr. Narayana asked if the Board has confidence in the project; Mr. Legassey stated that based on the facts as presented, he does. Mrs. Mortensen said the Board and the Town have tried to ensure the safety and the Board has done its due diligence to face each problem. Mr. Pehoviak said that there are still many unknowns and variables with the culvert and the retention ponds. Mr. Pehoviak said the Board of Health only just got involved. Mr. Oram said the Board has been involved with this project and JPI was another, this project is not in the plume. Mr. Oram said that the person who owns the property has been involved with the Town and wants to develop it with all the requirements of DEP, EPA. Mr. Oram said this Board has done tremendous job ensuring that Nyanza is safe from human exposure.

Mr. Fetherston said our responsibility is to make sure that we are ensuring public safety 100%; public safety is the most important thing, he was glad we received responses from EPA and DEP in writing. Mr. Fetherston said we can put in written form our concerns about signage and fence, adding that this conversation doesn't end tonight and is ongoing.

Joe Magnani explained that no sign is going to stop a kid from climbing, this is the history, using an educational component for Ashland students could give them a better understanding of any potential dangers. Mr. Magnani explained that you cannot stop growth; other towns are building just as much.

David Perry asked if the concern is that by accessing the cap they will be exposed or that they could damage the cap. David Buckley responded that he has walked the site and there is no opportunity to exposure, it's nearly impossible.

Mr. Fetherston said we are not done with this and will not call for a vote. Mr. Narayana thanked Mr. Herbert and the Board of Selectmen members for their attendance.

Adjournment

Mrs. Mortensen made a motion to adjourn. Mr. Legassey seconded the motion. The motion was approved 5-0.

The meeting was adjourned at 9:32 p.m.

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ASHLAND BOARD OF HEALTH
DOCUMENTS REVIEWED AT THE 8/9/2016 MEETING
(All items stored in the Board of Health files unless otherwise noted)

1. RTD Discussion
 - a. Culvert Report
 - b. Blasting Report
 - c. Copy of letter sent to DEP and EPA from the Board of Health
 - d. Copy of letter to the Board of Health from DEP
 - e. Copy of letter to the Board of Health from EPA
 - f. Draft blasting permit application (submitted by K.G. Narayana)
 - g. New Hampshire DES report on rock blasting (submitted by K.G. Narayana)
2. Audio Recording of Meeting Available

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