

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

Mary Mortensen, Charles Legassey, Judith Margulies, Koduvayur Narayana and Jon Fetherston

Others Present

Mark Oram, Health Agent / Director
Laura Clifford, Administrative Secretary
Mark Dassoni, resident
Lisa Kaufman, resident
Marie and Bernie Kane
Beth Reynolds, Economic Development Director
Amy Turncliff, Decisions at Every Turn/Resident
Bill Shaner, Metrowest Daily News

Call to Order

Mr. Fetherston called the meeting to order at 7:00 p.m., noting that the meeting was being recorded live on WACA-TV and audio recorded.

Citizen's Participation

Mark Dassoni asked the Board Members their reasons for developing a Policies and Procedures handbook. Mr. Fetherston believes they will help the Board be more productive and transparent; Ms. Margulies feels the Policies and Procedures needs to be looked at and these will not help the Board function as they stand. Mr. Narayana would like to work on the Policies and Procedures to make them more clear. Mr. Legassey hopes the Policies and Procedures will be a guide to help the Board work more cohesively. Mrs. Mortensen stated that former Board Member Ed Hart had created this handbook to help the Board deal with the problems that it was having, adding that now that it has been approved, the Board can go through it piece by piece.

Lisa Kaufman, spoke on behalf of the Citizens Action Committee for the Rail Transit Project. Ms. Kaufman said the Committee has major concerns regarding the blasting, possible flooding, possible contamination of stormwater and the culvert. Ms. Kaufman asked the Board what has been done to prevent this development from causing any future contamination from happening, and what safeguards will be in place to prevent any public health exposure. Mr. Narayana feels more studies should be done, as a Member of the Conservation Commission he has raised this issue and has reviewed blasting plans. Mr. Narayana stated that fractures and fissures cannot be predicted, adding

that the Town is planning a study for this, once we have concrete information we can put it back on the table.

Ms. Kaufman asked how we are keeping all the involved agencies organized. Ms. Margulies feels there needs to be a broader set of experts, specific for our Town. Mr. Oram explained that we have used the “one voice” method with the EPA, and the Board of Health’s key contact is Dan Keefe, who will have all the latest information. Mr. Oram discussed the phases that were involved in capping the site. DEP has also had long term involvement because it is a 21E site and is regularly monitored.

Mr. Oram said that this developer has brought various plans before the Town through the years. During the next phase, this Board will make sure our experts at the state and federal level give their input. Mr. Oram was informed by Dan Keefe that, in regards to the Rail Transit District, the groundwater flow is 180 degrees opposite of the proposed project, also, that their geotechnical engineer has made suggestions for improvement to the plan with no negative impact on the cap. Mr. Oram agreed that a panel to answer questions for the residents would be a good next step.

Ms. Margulies would like to see unique experts; Ms. Kaufman agreed that there are no examples to compare this project to, and the Town should not rush through this.

Mr. Fetherston is appalled that the Town has been put in this situation, adding that the Board of Health is mandated to protect the public health, and any chance that anyone can get sick is too much. Mrs. Mortensen feels that the Army Corp. of Engineers should also be consulted.

Ms. Kaufman stated that she lost her brother who was in the graduating class of 1990, and that of the 90 students in that graduating class, 12 students have either passed away or been diagnosed by a rare form of cancer. Ms. Kaufman stated that the waste site has over 100 toxic chemicals.

Marie Kane said it is unconscionable that the progression rests on MassWorks, and is grateful for the Board of Health’s input.

Amy Turncliff spoke on behalf of Decisions of Every Turn (DAET) and as a resident and parent of 3 children. Ms. Turncliff stated that DAET has multiple resources available and hopes the Town will utilize these in reviewing the Medical Marijuana item on the agenda. As a parent, Ms. Turncliff is concerned, she feels that teens and young adults who are struggling with addiction are easily able to obtain a medical marijuana card. Ms. Turncliff said these are high potency edible products and are made available in candy and baked good forms. The Board thanked Ms. Turncliff for all of her work in the Town. Ms. Turncliff said in the current form, the recreational marijuana ballot question limits what local municipalities can do to regulate medical marijuana facilities, to becoming “pot shops” if passed.

Medical Marijuana Facility, questions and concerns on future facility

Beth Reynolds, Economic Development Director, brought the issue of a potential Medical Marijuana Facility in Ashland to the Board of Health, the Board of Selectmen and the Planning Board as a way to gather information. Ms. Reynolds stated that she has been approached by two companies wanting to know Ashland’s stance. Ms. Reynolds said that our zoning by-laws allow for placement in either commercial highway or industrial zones with a special permit. Ms. Reynolds stated that because of

the Town's by-law, zoning is limited, includes mainly Rt. 126, adding that it cannot be within 750' of any private public schools, daycares, parks, playgrounds.

Ms. Reynolds would like the Board to submit their questions and concerns and be sent to her by June 17th. Ms. Margulies asked if this would be a duplication of services, or is there a need in our community, adding that she would like to see a map of areas that would be zoned for this type of facility. Discussion continued regarding this subject. Board Members discussed working together to create a response to Ms. Reynolds, Board Members agreed to send Ms. Margulies their questions, which she would compile in a report to Ms. Reynolds.

Mrs. Mortensen stated that she has worked with Mr. Oram for many years and would like to make a motion that the Board take a vote of confidence on his expertise. Ms. Margulies called a point of order, that it discusses someone's character in open session. Mr. Legassey doesn't feel it is a character issue, but is more of a capability issue as to his experience and knowledge.

Mr. Narayana asked if a letter should be written to the Investigator General on behalf of the Board to notify the IG that the Board never received information that they refer to in their report. Mr. Fetherston said he would be meeting with the Town Manager, Michael Herbert, Mr. Oram, Daryl Beardsley (Sherborn Board of Health Chairman) and will report back to the Board. Ms. Margulies stated that she objects to that participation of that meeting, and does not feel it is an appropriate investigative process. Mr. Fetherston stated that the Board of Health is not investigating, this is a conversation, adding that there are many half-truths and non-factual rumors circulating. Conversation ensued regarding the October 13th meeting and the motion made by Ms. Margulies. Mr. Fetherston has known Mr. Oram for over a decade and has full faith and confidence in his ability to be our Health Agent and has been an asset to the Town for over 20 years. Mr. Fetherston seconded Mrs. Mortensen's motion and called for a vote. The motion was approved 3-0-2 (Ms. Margulies and Mr. Narayana abstained).

Mr. Fetherston made a motion to take a five minute recess. Mrs. Mortensen seconded the motion. The motion was approved 4-0-1 (Ms. Margulies abstained).

The Board recessed at 8:25 p.m.

Mr. Fetherston reconvened the meeting at 8:35 p.m., noting that the meeting is being audio and video recorded.

Nyanza, general updates on information from EPA

Mr. Narayana asked if we can work with the residents to get their questions resolved, adding that he has questions but is not clear how soon he will get an answer regarding the environmental impact of blasting. Mr. Fetherston inquired and Mr. Narayana responded that Conservation has signed off on the Stormwater portion of the plan. Mr. Fetherston asked Mr. Narayana if the Conservation Commission was aware of how damaged the culvert was; Mr. Narayana responded that Conservation Members studied and discussed with the peer review engineers, and this was laid out in the Order of Conditions. Ms. Margulies was at that Conservation meeting and was surprised that Nyanza was never mentioned in the environmental study by the Developer.

Mrs. Mortensen suggested the Board speak with Chief Boothby regarding their concerns with blasting. Discussion continued regarding whether a blasting permit has been issued.

Mr. Fetherston stated that the Board should make a motion that they are not in support of this project as presented. Ms. Margulies inquired as to why the Board of Health was missed and not part of this discussion. Mr. Legassey responded that this was a permit that was extended many times from approximately 2000, but believes blasting was not part of the original plan to the Planning Board. Mr. Fetherston said it was originally going to be filled, not blasted. Mr. Narayana said there is a Mass. General Law Chapter 41, Section 81U in which a subdivision plan must go through the Board of Health. Mr. Oram said he would look into it, but noted it has been a continuation. Mr. Narayana said that it is an amended plan.

Ms. Margulies inquired if the Board of Health is part of the process in this, and other projects, such as 0 Megunko Road and wants to have systems in place going forward.

Mr. Fetherston made a motion that the Board of Health does not support the present project until public confidence and public vetting can be completed. Mrs. Mortensen seconded the motion. Mr. Dassoni inquired, and Mr. Fetherston responded that the Board of Health does not have the power to stop the project, only to support the public health; the final decision rests on the Board of Selectmen. Ms. Margulies questioned this and thinks it may be wise to get a legal opinion on this from an attorney specific to this Board, adding that the Board of Health does have many powers. Mr. Fetherston said he would speak to the Town Manager on this. The Board approved the motion 5-0.

Old / New Business

Consolidation meeting for Human Services Department for June 9, 2016

Mr. Fetherston stated that the Board of Selectmen is looking at the idea of consolidating the Board of Health with the community center, social services, veterans and youth and family services and recreation. There will be a meeting to discuss this on Thursday. Mr. Oram will keep the Board apprised.

Review of Board of Health Policies and Procedures

Mr. Fetherston asked to table the Policies and Procedures to the next meeting.

Mr. Legassey stated that he needed to leave the meeting within 5 minutes.

Landfill, updates on DEP requirements and recent review and testing

Mr. Oram updated the Board on the report from the Town's consultant, ECS, regarding their communication with EPA as to the permeation of gas, adding that they will be making recommendations, including stopping the use of the fire hydrants on Howe Street, and will be putting in deeper test wells on Howe Street.

Mr. Legassey asked if the solar project was on hold. Mr. Oram responded that the trough installation will most likely curtail the project. Mr. Narayana asked to be provided with a black and white map

showing all of the private and gas monitoring wells in the location of the landfill; Mr. Oram said he would check with legal counsel to make sure this is permissible to disclose.

Mr. Legassey left the meeting at approximately 9:15 p.m.

Ms. Margulies would also like more information regarding the beaver dam and water potentially causing the change in the water direction, and water contamination, Ms. Margulies would like any copies of reports received and also would like to share the information with Conservation.

Resignation of Part-Time Food Inspector

Diane Passafaro has given a letter to the Board stating that her last day will be June 29, 2016, and thanks the Board for the opportunities. Mr. Oram said Ms. Passafaro has been an excellent food inspector and will be missed. Mr. Oram noted that it is difficult to fill this position with the limited hours.

Ms. Margulies stated that she has asked for food inspection reports and was told that there was not enough personnel, she would like to see trends in the data and the types of violations. Mr. Oram responded that the data has been put on tables, but Diane is limited to the number of hours she works, and she has been to at least a few meetings. Mr. Fetherston thinks it would be appropriate to have the food inspector attend a Board of Health meeting either quarterly or twice per year. Mr. Oram said the food inspections are not only completed and reviewed by the food inspector, but that he also reviews them, acting on behalf of the Board and the Town and takes action whenever needed. Ms. Margulies would like to see a spreadsheet form and feels coming into the office would be time-consuming for all. Mr. Narayana suggested the information be put in a spreadsheet form as the tobacco violations were.

Health Agent / Director's Report

FY16 and FY17 Budget Updates, Revolving Fund

Mr. Oram stated that the budget is in good order, that we are looking at final payments for the landfill. Mr. Oram said that funds from nursing may go towards the extra landfill costs. Mr. Oram asked Mrs. Mortensen to meet with the public health nurse. Mr. Fetherston inquired about flu clinic costs. Ms. Margulies stated that vaccination program has never been discussed. Mr. Narayana inquired if emergency funds can be utilized for the vaccine program. Mr. Fetherston said it's not yet an emergency. Ms. Margulies suggested that the vaccination program be put on the next agenda, traffic and tracking and data should be part of this, adding that we are somewhat competing with the private marketplace.

Acceptance of Minutes, May 24, 2016

Mr. Fetherston reviewed with the Board a summary of actions taken during the meeting, and said the approval of the minutes may be tabled to the following meeting.

Future Board of Health Meetings

The Board agreed to next meet on June 21, 2016.

Adjournment

Mrs. Mortensen made a motion to adjourn. Mr. Narayana seconded the motion. The motion was approved 4-0 (Mr. Legassey had left the meeting).

The meeting adjourned at 9:56 p.m.

ASHLAND BOARD OF HEALTH

DOCUMENTS REVIEWED AT THE 6/7/2016 MEETING

(All items stored in the Board of Health files unless otherwise noted)

1. Medical Marijuana Facility, questions and concerns on future facility
 - Email from Beth Reynolds
 - Medical marijuana Dispensary Requirements
 - Email from Amy Turncliff, Decisions at Every Turn (DAET)
 - Massachusetts Prevention Alliance document from DAET
 - Marijuana Fact sheet, Massachusetts Prevention Alliance, DAET
2. Consolidation meeting for Human Services Department for June 9, 2016
 - Email from Michael Herbert
- 3.. Nyanza, general updates on information from EPA
 - Email from the Ashland Citizen Action committee
 - Email communications between Mark Oram and Dan Keefe
4. Landfill, updates on DEP requirements and recent review and testing
 - Email from John Niedzielski
5. Resignation of Part-Time Food Inspector
 - Resignation Letter from Diane Passafaro addressed to the Board Members
6. Audio Recording of Meeting available