

Ashland Board of Health Meeting Minutes
Ashland Town Hall, 101 Main Street, Ashland, MA
Selectmen's Meeting Room, 7:00 P.M.
October 18, 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
Roy Correia, DPW, Foreman
Doug Small, DPW, Director
Stephen Morgan, resident
Mark Dassoni, resident
Cece Doucette, resident
Jim Hanna, resident

Call to Order

Mr. Fetherston called the meeting to order at 7:00 p.m. Mr. Fetherston announced that the agenda was subject to change, and is being broadcast live by WACA-TV, and noted the meeting is also being audio recorded.

Citizen's Participation

Mark Dassoni inquired if the Board is aware that the High School Ameresco project is stalled as they wait for material. Mr. Fetherston responded that it is not under the Board of Health's purview and suggested he speak to someone with the School Department.

Mr. Dassoni noted his observations from the Howe Street solar project and said that the Rail Transit Apartment project is going strong.

Mr. Dassoni advised people to use extra caution on the roads on Halloween when kids are out.

Steve Morgan said he has requested public records pertaining to mediation from the Board and has not yet received any response. Mr. Morgan noted that he has also filed an Open Meeting Law complaint due to background communication the Board was having regarding mediation, and does not see this on the agenda.

Mr. Morgan stated, in regards to the hiring of the food inspector, the hiring of the Health Agent's staff goes through this Board, and is concerned that the food inspector was hired without going through the concurrence of this Board to make a recommendation.

Mr. Morgan said he is interested in the agenda item regarding a roof repair at the Middle School, Mr. Morgan noted that this issue had come up during Capital Improvement Committee (CIC) meetings, which he is a member of. Mr. Morgan said that the CIC had determined to recommend funding to repair a number of leaks

in the schools last year, so is curious why there is a leak, if this was addressed. Mr. Morgan hopes the roof leaks get fixed and that the Board of Health will recommend to the Town Manager and the Selectmen to allow CIC Members to get their work done.

Mr. Fetherston said we will get to these agenda items this evening, with the exception of the Open Meeting Law complaint which was not received in time to be put on the agenda. Mr. Morgan said if the Board can just agree it shouldn't have happened he will throw out his complaint.

Ms. Margulies asked Mr. Morgan to resend the records request to the Board of Health email, Mr. Morgan agreed.

Drinking water, fluoride update from State and Town Officials

Mr. Fetherston welcomed Doug Small back to Town as the newly appointed DPW Director. Roy Correia, Water and Sewer Division, General Foreman, asked if there were any questions. Mrs. Mortensen stated that residents at a prior meeting had inquired about the Town's policy regarding fluoride in the Town's drinking water. Mr. Correia explained that a week ago a baseline fluoride sampling was taken from where the entry connection is for the purchased water, as well as from every place they do bacteria sampling. Mr. Correia had the results of those samples, and gave copies to the Board. Mr. Correia told the Board that after connecting with the MWRA supplement connection, sampling was again taken, the results should be received next week and will be compared with the baseline. Mr. Narayana asked the results to be sent electronically, Mr. Correia agreed. Ms. Margulies inquired, and Mr. Correia responded, that all sampling locations are always the same and cannot be changed. Mr. Narayana asked what happens when someone complains about water, as in the email received by the Board of Health from a resident at America Boulevard. Mr. Correia responded said that is a private area, but that he went out there and flushed it out for them. This is done on a yearly basis. Ms. Margulies asked that this be put on a future agenda.

Mr. Oram said he has spoken with Brittany Brown of the Department of Public Health's Fluoride Program regarding the Fluoride Law, Chapter 11, 8C, and with Frank Niles at DEP. Frank Niles suggested we test and determine fluoride level, which is being done. Mr. Oram referenced information from the Center for Disease Control which lists the benefits of fluoride. Mr. Oram said he will continue to review and update the board as he receives information.

Jim Hanna stated that his request for the fluoridated water issue is in the best interest of the community.

CeCe Doucette presentation on WiFi

CeCe Doucette thanked the Board for having her back to discuss wireless technology safety. Ms. Doucette recapped what she had discussed the last time she met with the Board. Ms. Doucette discussed the policies that have been discussed with the high school, and the changes that have taken place using the Best Practices for Mobile Devices method, which includes turning off the wifi when not in use, and placing devices on a non-metal surface.

Ms. Doucette discussed a bill, Senate 1222, crafted with the support of Senator Spilka, which is an Act to create a commission to study the health impact of electro-magnetic fields. Senator Spilka will be reintroducing the bill at the next session under her own name.

Ms. Doucette said that the population needs to learn about the risks, and medical professionals should be trained to recognize symptoms of electro-magnetic hypersensitivity and to screen cases of infertility, and behavior and cognitive issues.

Ms. Doucette stated that Southborough Board of Health had written a letter to their public school district saying that this is something their school should become educated on, adding that it would benefit Ashland School

Committee to hear the Board of Health feels that this is important to pay attention to in our schools, and reassess ways to reduce microwave radiation, such as hardwiring our resources in our public buildings.

Ms. Doucette said that she has discussed with the Town Manager the possibility of looking at the cell tower locations when the current leases expire, adding that there are smarter ways we can use our technology.

Ms. Doucette discussed ways to reduce exposure in our homes. Ms. Doucette showed the Board the acoustimeter received from a grant through the Board of Selectmen and the Library, and noted this can be loaned from the library.

Ms. Doucette requested the Board send a letter to the Ashland Public School Committee, to Dr. Bob Knorr at Department of Public Health's Bureau of Environmental Health, and the Department of Public Utilities.

Mr. Fetherston asked Ms. Doucette to send the Board the studies and information via email.

Mr. Narayana said it sounds like the school is doing what it is supposed to. Ms. Doucette responded that although the schools have posted the signs, they have a policy in place but not a procedure. Mr. Fetherston said he would like to revisit this at a future meeting, after we have reviewed the material. Mr. Oram asked Ms. Doucette to send a copy of the Southborough letter, Ms. Doucette agreed.

Mr. Fetherston thanked Ms. Doucette for her great presentation.

Ashland RTD Apartments, 9 Stone Road – Irrigation Well(s)

David Eastridge of Thorndike Development returned to the Board regarding his well permit for the Rail Transit Apartments. Mr. Eastridge explained that he was asked by the Board to have the engineer delineate the plan to show the area of restriction due to the proximity to Nyanza, and certification that they are at least 100' away from any other wells. Mr. Eastridge explained that they will drill in Area 1 first. Mr. Oram explained that they must test for quality and if it does not meet quality criteria, there could be further direction from the state and the EPA. Mr. Eastridge spoke about the emails received from Dan Keefe, EPA, and Jennifer McWeeney, DEP, who both confirmed they are drilling outside the restricted area. Mr. Eastridge believes all the issues have been addressed.

Mr. Oram recommended this application be approved for the one well, for the three locations in case the first area doesn't work, conditional to any concerns that may arise regarding quality issues within the water.

Mr. Legassey asked Mr. Oram if they start to drill, and then abandon, if they will still be required to test the water quality. Mr. Oram said they would need to meet the State Code for abandonment, but would not need to test the water. Mrs. Mortensen asked if that could be a condition, that they must test the water quality. Mrs. Mortensen said she would want to see that. Mr. Narayana said that the children could be playing in this water, and needs frequent monitoring. Discussion continued regarding the safety of the area, and water quality testing. Mr. Narayana questioned if we keep allowing wells, if this is depleting our water quantity, asking why they cannot use public water. Mr. Eastridge explained that in order to stabilize the sloped area, they need water to establish the grass. Mrs. Mortensen explained to Mr. Eastridge the issues the Town has had in this area.

Mrs. Mortensen made a motion that the Board of Health grant the well permit with the distinction that the Board receive quality and quantity reports for the first well before they drill any others. After discussion by Board members who offered questions and interpretations of the motion, Ms. Mortensen modified her motion by adding the words "per our codes".

Ms. Margulies inquired if this should be brought up for public discussion due to blasting and possible fissures, adding that she is concerned that the establishing of grass is being weighed against potential hazard. Discussion continued.

Mr. Legassey seconded the motion. Mr. Narayana stated he wants to take it under advisement to get more information. Mr. Fetherston said they are going to test and we will be informed if there are any issues. The Board approved the motion 3-1-1 (Margulies opposed, Narayana abstained).

Old and New Business

Mediation Status

Mr. Fetherston noted that Steve Morgan had sent him a records request on Friday; he then contacted the Mediator, Tal Lieber, on Monday to understand the status of where the Board stood on mediation. Mr. Fetherston asked the Board whether or not we are going to all participate in mediation. Mr. Fetherston said that, according to the mediator, two people here have not participated. Mr. Narayana said he will participate once he has clearance from the questions he has asked of Michael Herbert. Mr. Narayana said that he needs an answer as to the intake portion, if someone asks for that record and if it is a public record, there could be a defamation lawsuit. Mr. Narayana said he has not received a response from the Town Attorney to this question.

Mrs. Mortensen said that we thought this would solve some of the problems so we could get things going, but we're still faced with same blockage for the last year and a half. Mr. Narayana asked why we cannot get the answer to whether or not I'm protected.

Ms. Margulies inquired as to if the facilitated meeting was for the five members of the Board of Health. In response Mr. Fetherston stated that the meeting was for all seven individuals who sit at the table during meetings. Ms. Margulies, in questioning Mr. Fetherston's position, stated that the staff members are not part of the elected Board. Ms. Margulies suggested that the five members meet first and then if necessary at some future time include staff, because including or imposing others in these anticipated Board member discussions do not help improve the Board members interactions with each other. Mr. Oram stated that he takes offense that anyone who sits at the table doesn't think that he is acting as the Board agent because, in his opinion, he is the agent to the Board.

Ms. Margulies read an email from Tuesday, September 13th from Tal Lieber regarding the mediation process. Ms. Margulies said she has also spoken with Tal Lieber on the phone, and would like to see mediation held as a business meeting with a specific agenda. Mr. Fetherston said that this email communication was over a month ago, and the intake still hasn't occurred. Others concurred they had completed the intake. Ms. Margulies asked Mr. Fetherston to help Mr. Narayana get an answer to the information. Mr. Oram noted that he was told by the mediator during his intake that this conversation was confidential, others agreed. Mr. Fetherston noted that we cannot move forward until all 7 people have participated in the intake session. Ms. Margulies said she spoke to the mediator for 5 minutes and sent the mediator the agenda items she would like to discuss. Ms. Mortensen responded that they are not looking for agenda items, the inter-relations is the problem that needs to be worked on. Ms. Margulies stated that it should then be in Executive Session if it is going back to character.

Ms. Margulies inquired, and Mr. Fetherston responded as to what he shared with the mediator. Mr. Fetherston stated that he told the mediator that he came back on to the Board of Health because of the way Mrs. Mortensen was being treated, and Mr. Oram's character being assassinated by false allegations. Ms. Margulies asked how those feelings can be transposed to a facilitated meeting. Ms. Margulies said she has already spoken with the mediator and she is more than willing to participate but does not have more than 5 minutes to say what she needs to say. Mr. Legassey responded that the mediator has reported to our Chair that the intake has not been completed by two Members. Ms. Margulies said she would call the mediator again.

Ms. Margulies made a Motion that as soon as KG gets his response concerning confidentiality, and I make another call, that probably won't be an hour call, but maybe 5 minutes, that we schedule a date and time and go forward with this. Mr. Narayana seconded the motion. The motion was approved 5-0. Mr. Fetherston said he would call the mediator and let her know that Ms. Margulies would be contacting her to have a conversation, Ms. Margulies asked Mr. Fetherston to help Mr. Narayana get an answer to his information request of Mr. Herbert concerning confidentiality.

Mr. Fetherston stated that if Board members do not want to participate he understands, and supports that decision.

Mr. Narayana asked Board members to not allow speech which puts the Board down.

Proposal for waivers to be approved by Health Agent/Director

Mr. Oram said that because of early voting, and lack of meeting rooms, he is not sure when the Board will be meeting again, and he currently has 3 applications for 3 septic plan waivers, which are the typical ones that usually come before the Board. Mrs. Mortensen said she would like to make a motion to allow the Health Agent to approve the septic waivers, so long as there isn't anything above and beyond the daily ones that we typically see. Mr. Narayana would like to wait to have questions answered that he had asked. Mr. Oram responded that as it relates to abutter notification, he has not seen this in years, only if it affects the abutter in some way would they be required to come to the meeting, but that is not typical. Mrs. Mortensen said we are coming to cold weather and if there's nothing unusual, why should they have to wait? Mrs. Mortensen made a Motion to permit Mark, as our agent, to sign off on routine permits for septic systems, anything that requires out of the ordinary measures or problems with abutters – that would be brought to the Board before the Permit be issued for waivers. Mr. Legassey seconded the motion. The motion was approved 3-2 (Margulies and Narayana opposed).

Mr. Fetherston noted that tomorrow is the last day to register for voting, Town Hall will be open until 8:00 P.M.

Health Agent / Director's Report:

School Maintenance at Middle School, roof repair for water leak

Mr. Oram updated the Board that he received a complaint from a parent regarding Room 215 at the Middle School, he contacted the school and was told by James Adams that they reroofed the building. They also hired a consultant to evaluate for mold and after testing determined there was no mold contamination or anomalies in Room 215. Ms. Margulies asked for a copy, Mr. Oram agreed.

Food Inspector Position – Update

Mr. Oram explained that Thomas Curran has been hired as the part-time food inspector; he is already a food inspector in another city. Mr. Oram will be working with him in the beginning to familiarize him with the Town, but noted he does not need training. Mr. Oram will bring him to the next meeting. Ms. Margulies inquired about the process of the hiring. Mr. Oram responded that he worked with Greg Enos, Human Resources Director, to screen applicants and conduct interviews, adding that the food inspector is not an agent to the Board.

Future Meeting Dates

Mr. Fetherston explained that early voting creates a challenge when it comes to booking meeting rooms; Mr. Oram responded that he was told that we may not be able to use the Board of Selectmen meeting room on November 1st, and because of election day, we cannot meet on the November 8th. Mrs. Mortensen suggested if the problems with mediation are worked out, mediation could be the November meeting. Ms. Margulies inquired as to who would create the mediation agenda. Mrs. Mortensen responded that the mediation company

would probably create the agenda after compiling the intake information based on the issues, because that is their job.

Adjourn

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

The meeting was adjourned at 9:06 p.m.

ASHLAND BOARD OF HEALTH
DOCUMENTS REVIEWED AT THE 10/18/2016 MEETING
(All items stored in the Board of Health files unless otherwise noted)

1. Water Fluoridation test results from Roy Correia, DPW, Foreman
2. Rail Transit Apartments – Irrigation Well
 - a. Revised Irrigation Well Plan
 - b. Emails from DEP and EPA
3. Email to Judy Margulies from Tal Lieber regarding mediation process
4. Audio Recording of Meeting Available