

Ashland Board of Health
Meeting Minutes
February 7, 2023
ZOOM Meeting

Ronald Etskovitz, Chair
Barbra Sekesogundu Simon, Clerk
Rajit Gupta, Health Agent/Director

Ed Burman, Member
John Byrnes, Member
Bernadette Lunkuse, Member

Members Present Via Zoom Meeting:

Ron Etskovitz, Barbra Sekesogundu Simon, Ed Burman, Jay Byrnes and Bernadette Lunkuse

Others Present:

Rajit Gupta, Health Agent/Director
Laura Clifford, BOH Admin. Assistant
Victoria Wheeler, BOH Intern
Mark Dassoni, Resident
Alberto Gala, Engineer
Venkatesh Mohanraj, 125 Sudbury Road
Diane Mortensen, Resident, Former Board of Health Member

Call Meeting to Order, 6:00 P.M.

Mr. Etskovitz called the meeting to order at 6:05 PM, and noted that not all agenda items may be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

Citizens Participation

Mark Dassoni, resident, noted that it has been a busy week and he is grateful for the home healthcare his family is receiving.

125 Sudbury Road, Septic Variance

Mr. Gupta stated that we have reviewed the plans for 125 Sudbury Road and we are good to go; there are three variances being requested. Alberto Gala reviewed the requests he is seeking on behalf of his client. The plan includes the installation of a 2,000-gallon septic tank using an Eljen system allowing a 40% reduction of the leaching area. It is a tight lot; therefore, they are requesting leniency on the setback distances; 15 feet from the foundation; 10 feet from the property line; 6 feet distance between trenches; and a variance from the requirement of 50% increased sizing of the leaching system to design for a garbage grinder. The dwelling does not have a garbage grinder and the owner has no intention of using one.

Mr. Byrnes inquired as to whether there are any concerns the Board should consider when the Board allows decreases in the distance from the septic system to the foundation, and how the Board can know they are making the right decision. Mr. Gala responded that it is based on the type of soils present, whether it is clay or sandy, and the percolation rate. Mr. Etskovitz inquired as to why a garbage grinder requires a 50% increase in the leaching field. Mr. Gala responded that if there is a garbage grinder, the State Code requires 200% daily flow and a 50% increase in the leaching area; the Ashland regulations require designing for a garbage grinder. Mr. Gupta noted a Deed Restriction will be required.

Motion: Mr. Byrnes made a motion to grant a waiver from 310 CMR 15.211 to allow a reduction from the required 20-feet from a Soil Absorption System to a foundation, to 15-feet, and also to allow a reduction from the required 10-feet from the Soil Absorption System to a property line, to 9.2-feet.

Vote: 5-0. Motion approved.

Motion: Mr. Byrnes made a motion to grant a variance from Ashland Board of Health Regulations Section 303-11 to allow the subsurface sewage disposal system to be designed without a garbage disposal with the conditions that no garbage disposal be installed within the house and a deed recording be placed on the property stating no garbage disposal shall be installed in the house while the subsurface sewerage disposal system is in use, for 125 Sudbury Road.

Vote: 5-0. Motion approved. Mr. Byrnes a motion to grant a variance from Ashland Board of Health Regulations 303-14 to allow a reduction from the required distance between trenches of 10-feet, to a distance of 6-feet.

New Ashland Body Art Regulations

Mr. Gupta noted that the only change since the last draft was that the fees were removed. Mr. Byrnes noted that he has reviewed the Regulation and has marked it up with some questions and comments, he will forward to Mr. Gupta. Mr. Gupta noted that if anyone else has any questions to send them to him and we will review at the next meeting. Mr. Etskovitz also had inquiries, and noted how inclusive the Regulations are; Mr. Gupta noted the previous Regulations are outdated but the fees are in still in place on our Fee Schedule. Mr. Etskovitz inquired as to the forms the Body Art establishments are required to use, whether they are they provided by the State; Mr. Gupta noted that as part of the review their credentials will be verified. We are still working on an application; we have not had a Body Art establishment previously in Ashland.

Member, Jay Byrnes, Agenda

Remote Area Medical (RAM) Clinic, August 12 & 13, 2023, Update

Mr. Byrnes noted that they he and Mr. Burman met with Metrowest Health Foundation; he and Steve Mitchell will meet with the Lions Club Board of Directors. These and other meetings with community resources will be to get the word out mainly to volunteers and also to patients. They are meeting next week with the Metrowest Free Medical Program. Mr. Byrnes noted they are continuing to pursue donations and grants, and are trying to set up a formal meeting with the Keefe Tech staff. Mr. Burman will be speaking with Addie Gibson from Metrowest Medical Center.

Health Director's Agenda:

- **Update on 137 Pond Street and other Housing Cases**
Mr. Gupta noted there were a couple of meetings held regarding 137 Pond Street; the 30-day period to come up with a solution has lapsed. Mr. Gupta stated that we received a couple of heat/hot water complaints, and have been resolved; another housing issue Mr. Gupta is dealing with is a cross-metering issue on Main Street, he will keep the Board updated.
- **Sale of Tobacco to Minors (Two Ashland Vendors)**
Mr. Gupta explained that he was informed by the Framingham Regional Inspector that on January 29, 2023, two of the 17 tobacco vendors had sold tobacco to minors. The two vendors were Clocktown Liquors and Family Dollar. Mr. Gupta noted that because the work was out of Framingham, we are working with them to come up with letters and we will be issuing the citations, which is \$1,000 for the first violation.
Family Dollar had their second violation within thirty-six months, but after consultation with Cheryl Sbarra, MAHB attorney, it was recommended that because these are new fines, it be treated as their first offense, Mr. Gupta said he will leave that decision to the Board.
Mr. Gupta noted there were 8 violations in Framingham, and they want to make certain that everything is done right, including the issuance of the fines and sending order letters. Mr. Etskovitz inquired as to whether they have ID scanning systems, he noted that if they do not, they should. Mr. Burman inquired as to whether they can be mandated to have the ID scanning system; Mr. Gupta will check with legal counsel.
Diane Mortensen, resident and former Board of Health Member, noted that Family Dollar had sold tobacco (in November 2020) when she was a Member of the Board of Health; Ms.

Mortensen noted that she thought they would be on the meeting tonight and expressed concern that waiting a couple more weeks from now may lose the attention of the establishments. After putting great efforts into Ashland's Tobacco Compliance Program she is concerned to have any delays in issuing the citation and their coming before the Board. Mr. Burman inquired as to whether their license can be suspended in the meantime; Mr. Burman suggested consulting with Town Counsel as to any different routes we may be able to take. Ms. Mortensen noted that Town Counsel is in Town Hall tomorrow. Mr. Gupta referenced the Tobacco Regulations, the second violation includes the fine plus a 14-day suspension. Mr. Gupta has had multiple conversations with Framingham, he said they are working on it and it should be done shortly.

- Childhood/COVID Vaccination Clinics
Mr. Gupta noted there is a Clinic tomorrow for COVID vaccine as well as the Childhood Clinic.
- Extreme Cold Weather – Warming Locations Set-Up at Ashland Public Library and Community Center (February 3-4, 2023)
Mr. Gupta noted two warming shelters were set up this weekend due to the cold weather, Friday was at the Community Center, the other at the Library.
- Foodborne Illnesses, Update
Last week there were two foodborne illness cases, one was e coli, the other Campylobacter. Both were investigated and both were from out-of-country travel. Ms. Sekesogundu inquired as to whether COVID is only for booster shots, or whether primary series are available. Mr. Gupta noted that we do not have the first and second doses on-hand; but if there is a request, he can reach out to the Pharmacy we used previously. Mr. Gupta noted that Board of Health Intern, Victoria Wheeler, has been present at the last two Clinics and is helping a lot.

Consent Agenda:

Review and Approve Board of Health Meeting Minutes, January 17, 2023

Review YTD Budget Report FY2023

Motion: Mr. Byrnes made a motion to pass the consent agenda. Mr. Burman seconded the motion.

Vote: 5-0. Motion passed.

Discuss Future Agenda Items:

Ashland Groundwater Regulations - Mr. Gupta noted that over the past six months he has been in conversations with other Town Officials; DEP and EPA are requesting that the Town come up with Regulations which will prohibit any groundwater uses in the Plume area. A draft has been created with the help of Town Counsel which he will be sending to the Board to review. Mr. Gupta noted that we will be looking into this further to make sure there are no existing wells in the Plume area.

Tobacco Sales Violations - Board Members discussed meeting sooner to review the tobacco violations, and bring the tobacco vendors onto a meeting. Mr. Etskovitz agreed with Ms. Mortensen that it may be better to have them come in sooner; Mr. Burman agreed, he does not want too much time to go by, and noted that there should be a full Board if any actions are going to be taken. A quorum of Board Members would not be available on February 14th, Ms. Lunkuse suggested we meet prior to February 14th. Mr. Gupta will work on getting it done, and then get back to the Board with a meeting date.

Adjournment

Motion: Mr. Byrnes made a motion to adjourn. Ms. Sekesogundu Simon seconded the motion.

Vote: 5-0. Motion approved.

The meeting adjourned at 6:53 PM.

ASHLAND BOARD OF HEALTH
DOCUMENTS REVIEWED AT THE 2/07/2023 MEETING
(All items stored in the Board of Health files unless otherwise noted)

1. 125 Sudbury Road, Plans, Variance Letter/Request
2. Draft Body Art Regulations
3. BOH Year-to-Date Budget, FY23
4. BOH, Year-to-Date Budget, FY23, Revolving Account
5. Draft Minutes, January 24, 2023
6. A recording of the meeting is available at WACATV.com