

**Harvard Board of Health Meeting Minutes**  
**Zoom Meeting**  
**February 26, 2024**  
**Approved: March 11, 2024**

*Board of Health Members present:* Libby Levison; Sharon McCarthy; Christopher Mitchell (arriving at 4:15 pm).

*Others Attending:* Alison Flynn, Board of Health Clerk; Jim Garreffi, Health Agent, Nashoba Associated Boards of Health; Joan Eliyesil, The Harvard Press.

**CALL MEETING TO ORDER**

*Ms. McCarthy called the meeting to order at 4:00 p.m. Ms. Flynn provided abbreviated remote meeting instructions and noted that Mr. Mitchell was not present.*

**PUBLIC COMMENT**

None.

**NEW BUSINESS**

**Consider request of Skillings & Sons, LLC for continued status as an “approved” water sampler**

Ms. Flynn reminded the Board that they recently approved Friot’s Water Treatment’s status as an approved sampler for a period of two years. Mr. Garreffi confirmed that the BOH receives reports from water quality tests sampled by Skillings in a timely manner.

Ms. Levison made a motion to approve Skillings’ status as an approved sampler for two years. She noted that the BOH will have the option to reconsider before the two years is up if the reports are not filed frequently. Ms. McCarthy seconded. Both were in favor by roll call vote.

**Discuss review of Nashoba Associated Boards of Health Bylaws**

This item was taken out of Agenda order. Mr. Garreffi reported that NABH is looking to update the bylaws that govern the agency including to remove references to the Nashoba Nursing & Hospice, update governance in compliance with the Public Health Excellency Grant goals, delete requirements for committees that are not currently in existence and consider the reference to “quorum” when only 5 member communities are required for a vote. Mr. Garreffi indicated that they hope to have a draft of the revised bylaws by the March quarterly meeting with approval at the June quarterly meeting. He suggested that the “March” meeting might be scheduled for March 28<sup>th</sup> or the first week in April; Mr. Garreffi indicated that NABH continues to plan to shift meeting schedules to get the assessments to the towns in early December.

Mr. Garreffi indicated that as part of the Public Health Excellency Grant, in addition to Ms. Montgomery, NABH has hired new health agents, Cara Olejarz, who is covering beaches, pools, helps with food permitting, and is now working with two member communities, as well as Kolby Beauvais, a recent graduate who is currently seven weeks into his training. Mr. Garreffi stated Ms. Montgomery continues to increase distribution of information including currently collaborating

with the Academic Public Health Corp to get materials translated into other needed languages. He stated that her completion of a Grant Writing course assisted in the NABH's being awarded at least one grant to keep the Bereavement Counseling program going.

Mr. Garreffi explained that the assessment percentage increase has gone up because of costs and because of the loss of the nursing/hospice program, NABH is looking at what is currently needed to cover HR and IT services. Mr. Garreffi indicated that the Agency has asked that he consider the NABH fees in preparation for the March meeting.

### **Propose revisions to the Open Space and Recreation Plan**

This item was taken out of Agenda order. Ms. Flynn explained that Ms. Allard, who is currently supporting the Open Space Committee in their revision of the 2016 Plan, requested Mr. Mitchell consider a comment from the Pond Committee Chair suggesting a section of the Plan regarding the town's aquifers should also reference PFAS findings. Ms. McCarthy and Ms. Levison reviewed and revised the proposed revisions to the Open Space and Recreation Plan prepared by Mr. Mitchell. Ms. McCarthy confirmed that Ms. Flynn should submit the proposed revisions to Ms. Allard.

### **Update from the Transfer Station Committee**

This item was taken out of Agenda order. Ms. Levison reported that they have received 270 responses to the six-question survey. She indicated that from the responses received she has noted good suggestions from residents and that there is some confusion about what is accepted at the Transfer Station. She suggested that the BOH may want to consider including a reference to the Transfer Station on the Permitted Waste Hauler List so newcomers are aware that they have an option other than hiring a permitted hauler.

*(Mr. Mitchell entered the meeting at approximately 4:15pm.)* Ms. Levison indicated that the number of users appears to be fairly constant. Ms. Levison also reported that a resident was told by EL Harvey that they are raising their rates. .

Mr. Mitchell noted that the recent findings [of buried trash] near the proposed foundation for the new DPW building has placed some plans on hold while the extent of the buried trash can be assessed.

### **Update from the Select Board Meeting of 2/20/24 and discussion of Clerk hours**

Ms. McCarthy reported that she spoke up during Public Comment at the Select Board (herein "SB") meeting by stating she appreciated the SB's support of the BOH's request for an increase of the Clerk's hours at 25 hours per week. She stated Ms. Minar noted that the BOH requested 25 hours and the proposed request was now 35 hours, and that Mr. Bragan stated that if the town was going to pay for benefits, the individual needed to work 35 hours. Ms. McCarthy stated that this is his opinion and not Town policy; Ms. Levison agreed that it is also not State policy. Ms. McCarthy reported that Mr. Bragan indicated that some part-time employees at the Schools and Library are benefited. Ms. McCarthy stated that she is considerably outraged that Mr. Bragan would change the request without communicating this to the BOH. Ms. Levison noted that the information was included in a memo she read but did not understand to indicate that the BOH hours were elevated to 35. Ms. McCarthy stated that the BOH does not have 35 hours of work for Ms. Flynn and that Ms. Flynn does not want to work 35 hours. Ms. Levison agreed that the BOH does not have enough work for 35 hours for a trained Administrative Assistant. Ms. Levison stated that Ms. McBee did not understand that the request for 35 hours did not come from the

BOH.

The BOH Members considered next actions. Mr. Mitchell noted that he will be unable to attend Town Meeting as he will be out of state. Mr. Mitchell indicated that he would like to get the input of others regarding the best way to resolve this issue before Town Meeting. Ms. McCarthy suggested that an amendment reducing the request for money for one line item is a simple amendment. Ms. Levison indicated that the BOH has documentation that multiple towns throughout the state offer benefits at over 20 hours, that other Harvard Departments provide benefits to employees who work 20+ hours, and that this is an issue of how we treat employees who work in Harvard. Mr. Mitchell expressed that he sees this as a huge equity issue; Ms. Levison agreed that it is an equity issue for all parents of young children.

Ms. Levison made a motion to not support the inclusion of 35 hours in the budget; Mr. Mitchell seconded this. Ms. McCarthy added that this is because the BOH asked for 25 hours and is being open and honest about the budget process. All were in favor by roll call vote.

The Members agreed the BOH should speak with individual SB Members regarding their consideration of proposing an amendment on the floor of Town Meeting and requesting other solutions for correction. Ms. McCarthy indicated that she would consult Lucy Wallace. Mr. Mitchell suggested Ms. Sobalvarro agreed with Mr. Bragan's assessment. Mr. Mitchell indicated that Mr. Maiore stated in prior discussions that he did not believe it should be the policy of the Town to not allow positions between 19 and 35 hours.

#### **Plan for townwide issue of The Harvard Press (April 5<sup>th</sup>; ad deadline March 20<sup>th</sup>) and Letter to Editor for March 29<sup>th</sup> issue**

Ms. Levison suggested the BOH consider preparation of an ad for the April 5<sup>th</sup> issue, occurring during National Public Health Week, and a Letter to Editor about their position for the March 29<sup>th</sup> edition. Mr. Garreffi suggested the ad could remind residents about testing the Pond and permitting for camps; he agreed to forward information relevant information from the NABH newsletter to Ms. Levison and Ms. Flynn. The Members agreed to discuss a Letter to the Editor at the next meeting.

#### **Clerk & Health Agent Update, including but not limited to:**

- **Status of safety vest distribution:** Ms. Flynn and Ms. Levison reported that 60 safety vests have been picked up by residents to date; forty vests remain.
- Ms. Flynn advised that she received notice that the annual renewal for her Adobe Acrobat subscription will process at the end of March. Ms. Levison made a motion to pay for Ms. Flynn to have Adobe Acrobat; Mr. Mitchell seconded. Ms. Flynn advised that the cost is \$155.88. All were in favor.
- Ms. McCarthy confirmed her approval to have the table runner seal edited by Alpha Graphics at an additional fee. She noted that she will not have the runner in time for HC2.
- Mr. Garreffi advised that he was contacted by a resident about a property in Harvard which was added to the Bureau of Waste Site Cleanup's list after receiving results of lead in its drinking water which exceed the Maximum Contaminant Level (MCL). Mr. Garreffi indicated that he suspects the issue might be because it was a first draw in a currently unoccupied older house and agreed to contact the letter sender to see what the property representative needs to do to resolve the issue.
- Ms. Levison asked Mr. Garreffi about the status of 351 Ayer Road. He indicated that the property owners are actively pursuing a septic permit for the site but are first resolving issues with the Conservation Commission. Ms. Levison will forward the inquiry e-mail she received

from a Select Board Member regarding the property for Mr. Garreffi's response.

## **PERMITS**

### **Review of septic permits recently issued by the Health Agent**

Ms. Flynn advised that Mr. Garreffi issued a septic permit for 8 Wilroy Ave. since the last meeting.

### **Review of stable permit applications**

Ms. Flynn advised that there were no stable permits ready for the BOH's consideration.

### **Waste hauler permits**

- **E.L. Harvey & Sons-** Ms. Flynn indicated that E.L. Harvey & Sons (herein "Harvey") provided Commercial Generator Exemption Forms for several of its customers but the forms do not list an alternative method of recycling for many of these. She indicated that her contact at Harvey explained that they offer recycling services to all of these customers but the customers do not elect to receive this service. Ms. Levison noted that some of the Commercial Generator Exemption Forms list inaccurate addresses. Ms. Flynn advised that the BOH regulation requires permitted haulers do site visits to commercial generators to discuss recycling and prepare a proposal for recycling services; she indicated that the BOH could consider follow up with the haulers to ensure they are doing this. She also suggested that she could write the commercial generators, as done in prior years, to remind them that recycling is mandatory and request an accurate exemption form. Mr. Mitchell stated that the haulers have already done what they can do by offering recycling services and it's now up to the Board of Health to reinforce the regulation. Ms. McCarthy added that it is also the MA Waste Bans that require recycling and suggested that Ms. Flynn's correspondence to the commercial generators request evidence that they are recycling. Ms. Flynn agreed to write the commercial generators who Harvey has reported as not receiving recycling services to inform them of local and state recycling requirements and to request a complete and accurate Commercial Generator Exemption Form.

Mr. Mitchell made a motion to approve the permit application of E.L. Harvey; Ms. Levison seconded. All were in favor by roll call vote. Ms. Levison asked that Ms. Flynn remind Harvey and Waste Management that the telephone extension for the BOH has changed and to include that the next time they update their handouts.

- **Waste Management of MA, Inc.-** Ms. Flynn advised that Waste Management of MA, Inc. (herein "Waste Management") similarly provided Commercial Generator Exemption Forms without a known alternate recycling method. Ms. Flynn offered to send letters to these commercial generators similar to those discussed for the Harvey customers. Ms. McCarthy agreed that this would be appropriate.

Mr. Mitchell made a motion to approve Waste Management's application with follow-up; Ms. Levison seconded. All were in favor by roll call vote.

- **Baker Commodities and Win-Waste-** Ms. Flynn advised that her last communication to these haulers was to advise that consideration of their applications will no longer be given "renewal" status and thus will require the full fee required of "new" applications and

reminded the Members that the haulers have been operating on expired permits since December 31<sup>st</sup>. Mr. Mitchell suggested that it would be appropriate to issue Cease and Desist letters via certified mail at this time. Ms. Levison suggested that the Police Department be copied with Chief Babu contacted separately to inform him that the BOH is not requesting enforcement at this time.

## **OLD BUSINESS**

### **Consider amendments to the Board of Health Fees regulation**

The BOH Members considered revisions to the Fee schedule. Ms. Flynn explained that she obtained fee schedules from several NABH Towns and included them in her comments. She indicated that she also rated the “level of effort” for the administrative tasks she performs associated with each application at the request of Ms. McCarthy. The BOH Members considered the existing Administrative Fee, comparable Town fees, and “level of effort” associated with each application before revising the existing fees.

The Members agreed to hold a hearing regarding the proposed changes on March 25<sup>th</sup>. Ms. Flynn will draft a legal notice for Ms. McCarthy’s review.

### **Update re DEP’s status of review of questionable Public Water Supplies**

Mr. Garreffo advised that DEP would like the BOH to go through the list of questionable Public Water Supplies and identify which are community v. non-transient, non-community v. transient, non-community. Mr. Garreffo stated that he plans to do so.

### **Further discussion of talking points on synthetic turf**

Ms. Levison advised that she had an interesting discussion with Wendy Heiger-Bernays about what Lexington is doing to replace a synthetic turf field. Ms. Levison indicated that she will update the BOH on these points at a later date.

### **PFAS Update: Including but not limited to:**

- **Report from the Devens RAB Meeting (2/8/24)-** Mr. Mitchell and Ms. Levison indicated that efforts are being made to secure access agreements for the next phase. Mr. Mitchell stated he expects the field work to begin in the Spring. Ms. Levison reported that the RAB included some discussion of a study on Barnum Road which is considering the effectiveness of a foam which purportedly absorbs PFAS from soil and contains the PFAS.
- **Consider revisions to the addresses requiring PFAS sampling prior to conveyance or new construction:** This discussion was tabled for a future meeting.

### **Continued annual review Bare Hill Pond Algal Bloom Protocol, including advisory templates**

This item was tabled for a future meeting.

### **Further discussion re scheduling EDS Trailer clean-out**

Ms. Flynn advised that Ms. Natoli responded with her availability for the proposed four dates in April. The Members agreed that their first choice would be Friday, April 19<sup>th</sup>, from 9a-11a, and their second choice would be Thursday, April 18<sup>th</sup>, from 9a-11a. Ms. Flynn will advise Ms. Natoli

and Chief Sicard of the same.

### **Update regarding recycling vapes**

Ms. Levison indicated that she has been discussing with Tessa David at Household Hazardous Waste how to best recycle vapes and the lithium batteries and residual nicotine contained within. Ms. Levison suggested that it may cost \$0.50-\$1.00 to recycle each pen. She indicated that she is considering requesting donations in support of their proper disposal during the Townwide Cleanup.

### **Action Items**

Action Items were discussed. Ms. Flynn will recirculate outstanding items.

### **MINUTES**

The Members considered the draft Minutes of February 12, 2024. Ms. Levison made a motion to approve the Minutes of February 12th as amended; Mr. Mitchell seconded. All were in favor by roll call vote.

### **DISCUSS ITEMS FOR NEXT AGENDA**

Items for the next agenda were discussed.

### **ADJOURNMENT**

Mr. Mitchell made a motion to adjourn at 5:57: pm; Ms. Levison seconded. All were in favor by roll call vote.

***Respectfully submitted,***

***Alison Flynn, Clerk***

### **Documents Referenced:**

- Agenda
- Proposed revisions to the Open Space & Recreation Plan
- Completed waste hauler application packages of EL Harvey and Waste Management
- E-mailed communication to Baker Commodities and Win-Waste
- Proposed revisions to the Fees regulation
- Existing PFAS Policy re sales and new construction, Friot's comments, and Safewell comments, BOH spreadsheet re PFAS6 results, Safewell presentation and clarifying e-mails regarding PFAS testing in Harvard
- Response from Ms. Natoli re availability for trailer cleanout
- Action items from 2/12/24
- Draft Minutes from 2/12/24