



## **Acton Board of Health**

### **Meeting Minutes**

**June 7, 2021**

**7:30 P.M.**

**VIRTUAL PARTICIPANTS VIA ZOOM**

#### **Present:**

**Virtual Members Present:** William McInnis -Chairman, Mark Conoby, Dr. William Taylor, Joanne Bissetta and Michael Kreuze.

**Virtual Associate Members Present:** Dr. Rekha Singh was present and Dr. Thomas Jacoby was absent.

**Virtual Staff Present:** Sheryl Ball-Health Director

**Virtual Present:** Alissa Nichol, Matt Mostoller, Steve Poole, George Dimakarakos, Adam Ponte and Michael Milano-Picardi

#### **1. Opening**

Chair - William McInnis opened the meeting at 7:30 P.M. A script was read that was provided by the Town stating why the meetings are virtual during this pandemic.

#### **2. Regular Business**

##### **Collaborative Mass Vaccine Site**

Ms. Ball stated that the State of Massachusetts has approved the Kmart site for the collaborative group of the 9 towns. The group met collaboratively and thanked the state but asking for a deferment to open in the event of our residents experiencing a shortage of vaccine locations especially if a booster is needed or if eligibility opens for those younger than 12. Mr. McInnis asked Ms. Ball if the State agreed to this but Ms. Ball stated that they did not give us a definitive answer but noted that we would like to defer at this time. The Board supports the Health Divisions effort and would support opening this site if the need arises in the future.

##### **Face Coverings**

Ms. Ball stated that the State is now following the CDC face covering guidance, however there are a few exceptions noted below:

1. Public and Private Transportation
2. Inside K-12 Schools, Collaborators or other Special schools
3. Healthcare facilities
4. Congregate Care
5. Shelters
6. House of Correction, Jails
7. Health Day care programs



## 8. Home Health Care workers

Ms. Ball further stated that children under 5 or those with medical conditions are also exempt.

### **State of Emergency**

The State is expected to rescind the Statewide State of Emergency effective June 15<sup>th</sup> and replace it with a public health emergency statement that will reference the only standards currently in place that include, Schools, Camps, EEC and Face Coverings. There is an agenda item later tonight to discuss whether or not the Board wishes to rescind theirs as well. In addition, the Selectboard will be voting this evening as well as this was a joint declaration between the BOH and the Selectboard.

### **Virtual Meetings**

Ms. Ball stated that once the State of Emergency is lifted the ability to meet virtually goes with that, so the State of Massachusetts has filed legislation to allow for the ability to meet virtually through September giving them time to see if they would like to make this a permanent change. The Board discussed this and stated that they would like to continue to meet virtually as attendance has been great during the pandemic.

### **Close Contacts**

Ms. Ball further informed the Board that contact tracing is no longer being done when the exposure happens outdoors.

### **Nursing Service Director Updates-**

Ms. York was not present this evening and Ms. Ball informed the Board that there are currently 3 residents in isolation. Ms. Ball apologized as she was not able to obtain additional information from Ms. York prior to the meeting. The Board if we are still are doing the contact tracing and Ms. Ball stated yes. The Board asked if we are seeing any correlation between sports and cases and Ms. Ball stated no. The Board also asked if we are seeing cases in congregate care and Ms. Ball stated no.

### **Public Hearing – Acton Board of Health Rules and Regulations Article 11 & 16**

Mr. McInnis declared the public hearing open to accept comments from the public. Ms. Ball outlined a few changes that two engineers submitted to the Health Division. Ms. Ball also noted that they are included in the Board packet. Mr. Dimakarakos, Stamski and McNary commented on many of the proposed changes for the Board to consider. Mr. Mostoller, Acton Water District, also commented on the proposed changes and made suggestions for the Board to consider. Alissa Nicol, School Street, commented on enforcement and penalties section noted on Article 16 but not on Article 11 and questioned the inconsistency, RO systems and required



upgrade to residential septic tanks. The Board thanked the parties for their comments. The Board directed Ms. Ball to work with both Mr. Dimakarakos and Mr. Mostoller to reflect these recommended amendments and allow us to receive and consider the input and reschedule the continuance of the public hearing .

On a motion made by Mr. Conoby, seconded by Ms. Bissetta, the Board unanimously voted to continue the public hearing to July 12<sup>th</sup> at 7:45 PM.

### **Hazardous Materials Control Permit Application – Acton Auto Boutique, LLC – 429 Great Road**

Ms. Ball stated that the Health Division is in receipt of a new hazardous materials control permit application for Acton Auto Boutique, LLC for the property located at 429 Great Road. The business will be an automotive repair shop and will have a limited quantity of oils, fluids and coolants to service high end vehicles. There will also be a car wash onsite that will discharge to an oil water separator to remove the oils and the water will discharge to a tight tank and both will be hauled offsite by Cyn Environmental Services. Adam Ponte, Esq. representing the owners of the proposed business outlined the proposed business and stated that the owners are committed to managing a clean and organized business. Attorney Ponte also stated that they all employees will be required to review safety procedures prior to commencing employment.

On a motion made by Mr. Conoby, seconded by Mr. Kreuze, the Board unanimously voted to grant a Hazardous Materials Control Permit to Acton Auto Boutique located at 429 Great Road with the following conditions:

1. All liquid Hazardous Materials and Wastes shall be stored in a containment area (berm or similar) capable of containing 110% of the largest volume stored in the containment area.
2. All Materials Safety Data Sheets (MSDSs) for the Hazardous Materials shall be maintained on site. MSDSs shall be reviewed with employees at the time of their employment and on an annual basis thereafter. MSDS must be made available to all employees upon request.
3. A Contingency Plan, including emergency contact numbers (Telephone numbers of owner, operator, etc.) and a sketch showing clearly all Hazardous Material and Waste locations shall be submitted and updated annually, to the Board of Health, Fire Department, Police Department, and Civil Defense.
4. Emergency procedures and local Emergency Response Telephone Numbers (Health, Fire, Police, D.E.P., Civil Defense, etc.) should a spill occur, shall be posted in clear view of all employees where Hazardous Materials or Wastes are used or stored.
5. All Hazardous Wastes must be disposed of by a Licensed, D.E.P. approved, hauler or be recycled on site.
6. Copies of either all invoices or manifests for any Hazardous Materials or Wastes, received or disposed, shall be submitted to the Board of Health annually.
7. All Hazardous Materials Containers shall be labeled and dated when filling first began.



8. Speedy Dry, or its equivalent, shall be kept in the storage area, in case of a Hazardous Materials or Wastes spill.
10. All floor drains shall be sealed or discharged into a closed system, with the waste disposed of by a D.E.P. approved Hazardous Waste Hauler.
11. Protective equipment, including chemical resistant gloves, eye goggles and (rubber) boots, in addition to soap and water, shall be made available to all employees, at all times, in any Hazardous Materials or Waste storage or use area.
12. No Hazardous Materials or Wastes shall be discharged into a sink or toilet.
13. A safety eye wash station shall be installed where any Hazardous Materials are stored or used.
14. A fire extinguisher, containing an appropriate fire extinguishing agent, shall be placed in the Hazardous Materials Storage area.
15. No food or drink shall be stored or consumed in any area where Hazardous Materials are stored or used.
25. Prior to any new chemical or processes being used, the Board of Health shall be notified.
26. The operation of this facility shall be in compliance with all present and future regulations of E.P.A. and D.E.P. at all times. Nothing in this permit allows or requires non-compliance with all present and future applicable laws or regulations of the Federal or State Governments.
27. Floor drains are not permitted, except floor drains which are connected to a tight tank with monitoring system and maintenance plan as approved with conditions by the Health Division. All non-sanitary waste shall be directed to the tight tank.
28. Final approval is subject to inspection and approval of plans as required by the Health Division.

The Chair took roll call and all were in favor.

#### **Discussion – Rescind BOH State of Emergency –**

The Chair stated that in March of 2020, both the Selectboard and the BOH issued a joint declaration of a local State of Emergency and questioned the Board if they were comfortable lifting this as the State of Massachusetts is rescinding theirs June 15, 2021. The Board stated that due to vaccination rates and current low numbers that they feel comfortable rescinding at this time. The Board further stated that they would like to schedule a debriefing agenda item to help us address what went right, what went wrong, what we could have done differently and how did to name a few. Ms. Ball will schedule this at a future meeting.

On a motion made by Dr Taylor, seconded by Mr. Kreuze, the Board unanimously voted to rescind the Local State of Emergency as of June 15, 2021, consistent with the Selectboard and the State of Massachusetts. The Chair took roll call and all were in favor.



## Variance – 29 Paul Revere Drive

Ms. Ball stated that the Health Division is in receipt of variance request from 310 CMR 15.211 to reduce the setback from the SAS to the garage from 10' to 9.8', from the SAS to the property line from 10' to 8.5', 310 CMR 15.255(2) to allow for a reduction from the top of the SAS to the breakout point 4' offset provided, Article 11-8.4 for a reduction in clean washed stone from 12' to 6-9 inches. Mr. Steve Poole, Engineer for the owners was present and stated that this is the third replacement and the back yard is restricted due to this and the front yard is limited due to utilities. Mr. Poole further stated that the plan as designed meets maximum feasible compliance. The Health Division recommends the granting of these variances with the conditions as recommended.

On a motion made by Ms. Bissetta, seconded by Mr. Conoby, the Board unanimously voted to grant variances from 310 CMR 15.211, 310 CMR 15.255(2) and Acton Board of Health Rules and Regulations, Article 11-8.4 to allow the repair of the septic system for the property located at 29 Paul Revere Road with the following conditions:

- 1) The property line must be surveyed by a licensed surveyor and stakes must be maintained throughout construction.
- 2) The septic tank shall be pumped at a minimum every two years.
- 3) The system shall be constructed in accordance with the above listed conditions and the plan stamped by Tsung Ting Chiang, dated May 6, 2021

The Chair took roll call and all were in favor.

## Minutes

On a motion made by Dr. Taylor, seconded by Ms. Bissetta, the Board unanimously approved the minutes of April 26, 2021. The Chair took roll call and all were in favor.

## Next Meeting

The next BOH meeting is scheduled for June 21, 2021.

## 4. Adjournment

On a motion made by Mr. Kreuze, seconded by Ms. Bissetta, the Board unanimously voted to adjourn at 9:34 PM. The Chair took roll call and all were in favor.

## Documents and Exhibits Used During this Meeting;

- Town of Acton script for boards and committees opening meeting
- Board of Health agenda
- Ads for Public Hearing, Comments from Engineers, Proposed changes to Article 11 & 16
- Hazardous Materials Application from Acton Auto Boutique, LLC, Comments from staff
- Copy of Local State of Emergency from March 2020
- Variance request from 29 Paul Revere Road, plan and staff comment
- Minutes of 4/26/21



Respectfully Submitted,

Sheryl Ball  
Sheryl Ball  
Acton Board of Health

William McInnis

William McInnis- Chairman,  
Acton Board of Health