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July 6, 1987
Barbara Brown
TOWN CLERK, ACTON

ACTON BOARD OF HEALTH
MINUTES OF MEETING
MAY 12, 1987

Board members present: Daniel Costello, Richard Stephens, George Emmons; Associate members Richard Oakley and Campbell Amos.

Staff present: Doug Halley, Director, Ed Wirtanen, Sanitarian, Carol Holley, Secretary.

Guests: Lauren Brown, Middlesex News; Marjery Burgess, Julia Stevens, Joan Worfolk, PAC; Bruce Stamski, Engineer, Steve Briles, Payless Cashways; John Dunphy, Engineer, Marcia Charter, Nagog Childrens Center; Lyn Cavanaugh and James Kitendaugh, Wayland Group.

The meeting opened at 7:41 p.m. By unanimous vote, the minutes of the April 21 meeting were accepted as amended. By unanimous vote, the minutes of the executive session of the April 21 meeting were accepted as amended.

At 7:45 p.m. the Board discussed the change from monthly to quarterly reporting for the Yankee Village Wastewater Treatment Plant. Mr. Stephens moved that the Yankee Village Condominium Trust be ordered to provide the Board of Health quarterly operating reports meeting with the approval of the Director, and to continue submitting these quarterly reports unless conditions warrant a change of that status. Mr. Emmons seconded. All in favor.

7:50 p.m. Before the appearance of the Wayland Group, Board members briefly reviewed the report on the Nursing Service they had submitted. Mr. Stephens noted that the Wayland Group rated as advantageous the status quo in all aspects of the nursing service that were most important to the Board of Health. The set-up of the enterprise fund was discussed and the effects of the possible merger on the tax base of the Town. Mr. Costello related that the Town of Maynard paid over \$20,000 for Emerson, yet they have about half the population of Acton. Mr. Emmons questioned the discrepancy in the quotes given by Emerson and Nashoba compared to the reported costs to affiliated towns.

8:02 Priscilla Greene, Nursing Supervisor, APHNS, the Professional Advisory Committee, and the Wayland Group. Discussion of assessment report.

Mrs. Greene in her opening statement noted that the report indicates that the APHNS lacks the volume of business to support the administrative costs and there is support for a merger. A merger would also bring relief to nursing staff which is now dealing with 24-hour on-call programs. If the Boards of Health opts not to merge, staffing changes need to be evaluated. A part-time business administrator and a nursing supervisor, full-time, and part time nurses and computer capacity are needed, all of which increase overhead. Mrs. Greene noted that Nashoba had gained more HMO contracts than Emerson, and also Emerson cost estimates were greatly overrated. A summary of cost caps for Emerson was galatated. It was stated that Emerson exceeds caps except in speech therapy and occupational therapy. Mrs. Greene related that in the past, home health aide rates were set in accordance with Emerson so as not to charge more. She stated that Acton is doing many less home health visits than Nashoba, which might be due to the fact that Acton only has a staff of 2. Mrs. Greene noted that if the Board of Health considered merging, it might be worth considering acute services such as those offered by Emerson, but Nashoba has given us a proposal of a concrete nature and has a good educational and health promotion program.

Lynn Cavanaugh of the Wayland Group stated that the numbers referred to by Nashoba were much firmer numbers than those received from Emerson.

The PAC Committee stated that there are things in the report which probably should be considered. It was noted that the agency now does nursery school inspections. Julia Stevens noted that it is difficult to find qualified nurses and home aides. Mrs. Greene felt that Acton is competitive with Nashoba. Salaries were discussed. Emerson begins at \$14.71 and Acton's top step is \$11.70.

Ms Cavanaugh wished to underscore the issue of staffing regarding questions of increasing responsibilities and the difficulty in maintaining adequate staffing. Stresses of a small staff and work environment in a small agency were factors to be considered.

Mr. Emmons asked about why it was stated that costs are increasing while it appears that Acton's costs are levelling off. Ms Cavanaugh noted an increasing gap between costs and reimbursable costs of services. She noted that it is difficult to handle the factor of the gap and the ability of the agency to keep the gap small. Mr. Emmons asked if the gap could be closed by implementing more administrative staff. Ms Cavanaugh stated that there is good control of the service's costs at the moment and there are things that could be done to increase the reimbursables. If things remained constant, the gap could be narrowed but it is important to consider that down the road the ability to keep the proportion of reimbursables high will be subject to regulatory changes. Ms Cavanaugh noted that a business manager is critical, but increases costs. There is also the philosophical commitment to non-reimbursable services. Mr. Stephens noted that the gap will be growing because of the willingness to take on more non-reimbursables, and the new services that we wish to take on will generate more cost.

Ms Cavanaugh noted that the concerns need to be with revenue and volume, not with cost. She noted no real difference in non-reimbursables between Nashoba and Acton. Nashoba has a strong commitment to these. Health promotion services were included in the Nashoba proposal, but their proposal did not include nursery school inspections. Existing staff in Acton hopefully could be folded into the Nashoba organization, and Nashoba has offered the PAC involvement. They are willing to involve Acton in the policy-making aspects of the nursing service.

Mr. Stephens noted that if we split our concerns into two areas, how are we providing health care in the community and how much it costs, all those things that the Board is really pleased to hear are on the chart, in that the Board is able to deliver a quality care system in Acton. In no analyses does the Wayland Group state that the cost is not out of line, but the Board is not about to generate revenues.

Mr. Emmons wished to know if it were possible for the Town Manager's administrative capabilities to be used for the management of the Nursing Service. Mr. Costello noted that a business manager could be appointed to the Board of Health and the whole operation of the Health Department could be put on a fee basis.

Ms Cavanaugh noted that in fact, the Nursing Service could go under the purview of the manager, but the health care business is highly specialized and the business has special needs. She wished to try to separate program and operations management from financial management. She reemphasized that the major area of vulnerability is on the revenue side. She questioned the ability of any nursing service to capture the revenue side, to control the referrals and volume. This area of health care is highly regulated and government-controlled.

Mr. Emmons asked how size related to the ability to control revenues. Is it basically just a matter of scale?

Mr. Kitendaugh noted that the gap between costs and revenues could be closed in a larger agency through amortization over a greater population. The table under discussion was designed to show that in all, there is quality of care, but there are trades. The cost would go down and the business capacity would get better in the case of a merger, but there would not be much loss of quality of care.

Mrs. Greene described the elements of instability when dealing with Medicare. Ms Cavanaugh noted that the potential financial risk to the Town is more than current actual costs. There is an issue of over \$100,000 which could be earning interest for the Town today, versus what might be reimbursable in bits and pieces later on. You are investing on an annual basis without being able to insure recovery.

The various statistics and the meanings thereof were discussed in detail between the Wayland Group and the Board.

At 9:10 p.m., Mr. Costello announced that the Board was going to study the report further and may have questions either to forward through Mrs. Greene, or would wish another meeting to be scheduled with the Wayland Group. He noted that this is a very important decision for the Town. Mr. Stephens expressed thanks to the Wayland Group for the report, and to the PAC Committee and Nursing Service for their good work. Mrs. Greene asked about timing, as she is leaving the Nursing Service in mid-June. Mr. Costello noted that this was not a shelf-type report, and it must be acted on in the near future. Mr. Halley stated the next meeting might be an appropriate time. Mr. Emmons believed a 4-week interim to be appropriate. Mr. Stephens noted that this is not a fast decision to make.

9:16 p.m. Brief break.

9:21 p.m. Bettie Noble, 21 Faulkner Hill Road. Mrs. Noble had requested a hearing before the Board of Health in response to an order letter regarding her failed septic system. After a brief discussion regarding whether or not her system had failed, when Mr. Wirtanen offered proof of failure, Ms Noble stated she had just arrived at the belief it had failed and that the order letter had confused her as to appropriate steps for her to take. She stated that an examination of her septic system was to be conducted over the coming weekend by a contractor licensed by the Town of Acton. The Board stated to her that this contractor would meet with Health Dept. Staff and deliver a report, and repair recommendations would be generated. Mrs. Noble and her contractor are to get in touch with staff in the near future.

9:35 p.m. Bruce Stamski, Engineer for Payless Cashways. 1000 Main Street. Request for Special Permit.

This proposed development requires a septic system on a yellow zone and a building on a red zone. A question of the interpretation of the aquifer protection regulation was raised - did it prohibit building in a red zone, altogether, or just installation of subsurface sewage disposal systems? A plan of the property indicating the well buffer and aquifer protection areas and the boundaries thereof was reviewed. Mr. Stamski noted that an infiltration system was being installed. The reasons for infiltration were discussed. Mr. Stamski noted that there was no run-off from the ground into the brook. The sizing of the septic system was discussed. The design flow is 2700 gallons per day. Mr. Costello asked about salting and snow removal. Mr. Stamski noted that there would be no salting and there was adequate area for snow stockpiling. Mr. Stamski stated that there would be a maximum of 60 employees.

A representative of Payless Cashways spoke regarding the nature of a Somerville Lumber operation, which would be part store, part office, part storage. The reason for interest in this particular site was discussed. It was noted by the Payless Cashways attorney that this site is grandfathered under zoning by an ANR plan previously signed, and that Town Counsel has rendered an opinion on the property. Mr. Costello asked about moving the building into the yellow zone. Mr. Emmons asked about gas trap maintenance procedures to be employed, to which Mr. Stamski replied that they would be maintained in accordance with any wishes of the Board of Health, and explained the drainage system design in detail. Mr. Oakley asked about plastics, paints, and other hazardous materials to be sold, and he was told that paints, stains, plumbing and electrical supplies will be sold in the retail operation. Mr. Oakley expressed concern regarding distance to fire stations, especially in view of the types of materials to be in the store. The Payless Cashways representative stated that their sites are equipped with sprinkler systems.

Mr. Stephens wished to review an evaluation by Town Counsel on the Board of Health's right to protect an aquifer regardless of zoning, and also GZA information and a detailed review of the project by staff before any reasonable conclusion can be reached. He noted that this is a large site, close to a well, and is the last large aquifer in Town. Mr. Stephens moved to table pending further information. Mr. Emmons seconded. All voted in favor. Mr. Oakley asked about a timetable for the site, and Mr. Stamski stated that Payless Cashways had hoped to start construction in the fall.

10:15 p.m. John Dunphy, Acton Survey & Engineering, re Children's World, 90 Hayward Road, and Nagog Childrens Center.

Regarding Childrens World, Mr. Dunphy stated that the owners had asked that a kitchen facility be installed on site to allow serving and warming of food prepared off-site, and that this would impact the already designed septic system. He noted he was requesting to expand the system capacity from 10 gallons per day to 15 gallons per day per child, and there was a proposed enrollment of 120 children. The proposed system was of trench design due to the nature of the site. Mr. Dunphy wished to use a design factor of 1.18 square feet per gallon.

Mr. Stephens felt that 1.18 square feet per gallon was too low. He wished to see more leaching area. Mr. Emmons, after discussion of the food service operation and learning of the small size of the kitchen, moved to grant a permit based on the design of 1.18 square feet per gallon. Mr. Stephens asked if 1.3 square feet per gallon were possible. Mr. Dunphy noted that it would require more expense, but it was possible. Mr. Stephens then moved that permit #86-13NC be modified to allow for a leaching system to serve 120 children at 15 gallons per day with a loading of 1.33 square feet per gallon, and a septic tank to be sized accordingly. The final design to be approved by staff. Mr. Costello seconded. Mr. Emmons asked why 1.33, to which Mr. Stephens replied that that was the usual size. All voted in favor of amending the permit.

10:36 p.m. Nagog Children's Center, 278 Great Road. Mr. Dunphy noted that some modification on the overall system at this site will be required. At the present time, existing child care facilities and the furniture store are served by a common septic system with a capacity of 4080 gallons per day, and 1.32 square feet per gallon effluent under Acton Code. It is proposed to increase the flow to 1910 gallons per day without increasing the leaching area. There would be 1.01 square feet per gallon and a 2,000 gallon septic tank. There is no way to expand this system without disrupting the area. Mrs. Charter, Director of the Nagog Childrens Center, noted that the new facility will be a before-and-after school facility. Upon query by Richard Stephens, there is nothing in the code that indicates the break point in design flow for kitchenettes and kitchens. The possibility of expanding the trenches was discussed. Mr. Stephens moved to table pending exploration by staff and applicant of expanding the trenches, the resolution of the 10 or 15 gallon per child design flow, and staff recommendation after detailed review. Mr. Emmons seconded; all in favor.

10:50 3 Broadview. Repair of septic system. Request for variance for percolate. Mr. Wirtanen noted this would be a trench system. Mr. Stephens asked if the EPA Manual were referred to. Mr. Wirtanen noted that the system was maximized for the area. Mr. Stephens moved to table. Mr. Emmons seconded. All in favor.

10:56 144 Nagog Hill Road, request for variance from Title 5 for distance from foundation to septic tank. Mr. Wirtanen noted his recent discussion with Mr. Pare of DEQE regarding this issue, and related that the state has changed its positions on variances for distances to be more stringent. The change has been from 5 feet to 10 feet for an acceptable distance. This change does not allow for additions to older homes without moving tanks, which is not always possible. Mr. Emmons moved that a variance be granted for the construction of a slab foundation within 10 feet of a septic tank provided that the frost wall extend below the level of the bottom of the tank. Mr. Stephens seconded. All in favor.

11:07 p.m. Informal discussions, meeting adjourned 11:20 p.m.

Respectfully submitted,

Carol Holley, Sec'y

Signed and approved,

Daniel Costello
Daniel Costello, Chairman