



Acton Board of Health

Meeting Minutes

March 7, 2023

7:30 PM.

VIRTUAL PARTICIPANTS VIA ZOOM

Present:

Virtual Members Present: Mark Conoby, Dr. William Taylor, William McInnis, Dr. Rekha Singh and Michael Kreuze.

Virtual Associate Members Present: None

Virtual Staff Present: Sheryl Ball-Health Director, Matt Murphy, Jill Salamon, Public Health Nurse, Matthew Dow and Felix Garcia.

Others Present: Himaja Nagireddy, Select Board Liaison, Alma Sandman, Josh Lariscy, Nicole Graham, Michael Schulze, Helena Chan, Janice Ward, Kimberly Kuhn, Erich Kronenwett, Rachel Rubin, Stephen Liu, William Klauer, Rachel Wulsin, Marcy Hoban, Roxanne, TG, Nigam Trivedi, Lyn Ferguson, Tris W, Ed and Sharon Tillinghast, Piotr Chadzynski, Michelle Paquette, Colleen Graham, Elizabeth Carley, Jack Richardson, Drew Vardakis, Zywia Chadzynska, Lavina, Joel Lindsay, Marion Richardson, Henry Brown, Mike Zimmer, Kinina Kong, Rachel Wulsin, Nick W., Sharon Logan, Meghan Kronenwett, Julie, Lloyd Christmas, Mike M., Alyssa Rautenberg, Hongfeng and David Martin.

1. Opening

Chairman – Mark Conoby opened the meeting at 7:33 P.M. A script was read that was provided by the Town stating why the meetings are virtual and this meeting of the Board of Health was called to order.

2. Regular Business

Board of Health Future Agenda Items:

The Board reminded staff that they would like to have the Acton Water District and Central Mass. Mosquito Control Project update the Board of Health at a future meeting. Ms. Ball stated that they have been invited and will be attending the April 4th meeting.

The Board also asked about RSV vaccine that the FDA just approved for the over 60 population. Ms. Salamon, Public health Nurse stated that she is not aware of this but will look into it.

The Board also asked about any current Board of Health COVID guidance's that may need to be amended. Ms. Ball assured the Board that the last vote of the Board regarding these guidance's or restrictions was changed to be consistent with the State last year so no further action needs to be taken.



The Board also mentioned that they would like a Sewer Update. Ms. Ball stated that she will participate in the town committee to ensure the Health is up-to-date on this item and will report back to the Board.

Health Director Update

Ms. Ball stated that we recently received approval from the State to be a NARCAN distributor, however, we are still working on the resource sheet the Board asked us to pass out with the NARCAN and we also would like to ensure that all staff passing out NARCAN is trained so we are in the process of setting that up.

Ms. Ball stated that Health is gearing up for the summer and have just sent out Semi-Public Swimming Pool and Recreational Camps for Children applications.

Ms. Ball also mentioned that we have a potential condemnation hearing for a property in Acton that we expect will make the April 4th agenda.

Ms. Ball also stated that we still have COVID home tests kits available for those in need.

Nursing – Update

Ms. Salomon updated the Board regarding COVID cases and mentioned that the State is transitioning away from number reporting as the numbers are not reflective of total cases. The State is now focused on multiple data sources including vaccination rates and waste water testing. Ms. Salomon also stated that there is a downward trend in flu cases but mentioned that they are still administering vaccines to homebound cases in conjunction with Acton Pharmacy and Deputy Fire Chief, Anita Arnum. Ms. Salomon mentioned that we have had a significant amount of Lyme Disease cases in December-February and the State is working with the Nursing Service to track other tickborne diseases and Tb. The Board did ask about our long-term facility cases and Ms. Salomon stated that we currently don't have any cases with residents but sometimes get positive cases among staff and any recent cases are typically mild. Ms. Salomon stated that she has been focusing on public health education and wellness and mentioned all the programs coming up this spring. The Board asked if Podiatry Clinics were still happening and Ms. Salomon stated they haven't stopped and they are hugely popular with waiting lists.

Hazardous Materials Control Permit Application– Continued from 2/7/23 – Blue wave -100 Discovery Way.

Ms. Ball stated that there are proposed conditions in the Board of Health packet and comments from Blue Wave regarding some of those conditions. Ms. Ball stated she met with Josh Lariscy today to clarify and amend some conditions and outlined to the Board for their approval. These conditions included, catchment basin and temporary deployable methods for water run-off, fire extinguisher, field testing, eye wash etc. Mr. Lariscy stated that he agrees with the proposed conditions for Board approval. Mr. Lariscy also stated that he is working with Deputy Fire Chief Arnum on her concerns. The Chair asked the Board if they had any questions and it was asked if



Blue wave also agreed to renewing the permit annually. Ms. Ball stated yes and during this annual submittal this would be the time for them to update any changes including but not limited to, change in emergency contacts, chemicals, usage, inspection, etc. so we can provide oversight. Ms. Ball also stated that they have agreed to provide temporary deployment items on site that could be utilized if a water runoff event were to take place on site. They also agreed to work with the Health Division to ensure that any water runoff from an such event would be captured and contained until it can be tested for pollutants and Ms. Ball recommended that the Board allow that approval to be delegated to the Health Division. One Board member stated that the Board has reviewed this application at length, allowed for public comment and has given the applicant time to provide their comments and considers this package complete. He further stated that he agreed to giving the Health Division delegation for some of the conditions as noted in the Board packet. Other Board members stated that the Board has addressed a lot of concerns raised and we have done a thorough job, however they were still concerned with the site location. Ms. Ball summarized the changes to the list of conditions to ensure the Board agreed to the proposed changes in conditions. Blue wave also expressed agreement to those conditions. The Board asked Ms. Ball to relist the conditions with sequential numbers.

One member stated that this application was a weighty issue which potentially impacts a lot of people. He further stated that the Board was thoughtful in this approach and spoke about the genesis of the Hazardous Materials Control Bylaw being a reaction to the W.R. Grace site that ultimately polluted the Town's drinking water. He further spoke to the fact that the town had no mechanism to question what was happening at the WR. Grace site so the townspeople voted the Hazardous Materials Control Bylaw into place to be a layer on top of existing Federal and State laws. This bylaw also allowed the Town to know what industrial uses were happening in Acton to allow for oversight as that was not the case prior to the bylaw. Blue wave is proposing this battery storage at 100 Discovery Way which meets compliance with both State and Federal Law as well as Acton's Bylaw. In his recollection, the Board has not denied one of these permits in the past as long as they could comply with the Bylaw but did mention that some applicants may have decided that to meet this bylaw was burdensome and withdrew their application while others agree to the conditions. He further stated that this applicant has agreed to our conditions. He also stated that this particular battery technology probability of failure is quite low but we need to be cognizant of that risk and impose reasonable conditions to guard against that. He believes the risk is the same dangers we take everyday while we drive our vehicles around town with a full tank of gas or driving an electric vehicle which also has the same battery technology but you are sitting on the battery while driving. Lastly, he did some math, stating that the total is 5 megawatts which is 18 megajoules of energy which is equal to 140 gallons of fuel oil and if our residents heat with oil they most likely have this amount or greater sitting in their basements. In addition, the Town is looking to be greener and this kind of storage is allowed by the State. He further clarified that if this comprehensive list of conditions is met to safeguard our residents then this should guide the Board of Health into allowing this project. One member asked if it could be moved even farther from the residents and Ms. Lariscy stated that they have looked at that but noted that there were many factors to look at including; zoning, underground utilities, minimizing tree clearing and sensitive receptors including wetlands that needed to be looked at. Mr. Lariscy further stated that Blue wave tries to site these at least 100' from structures but the code only requires 20' and they are well in excess of both numbers. The Chair summed up this



application process and called for a vote. On a motion made by Mr. McInnis, seconded by Mr. Kreuze, the Board voted to approve a hazardous materials control permit to Blue wave, LLC for the property located at 100 Discovery Way with the conditions as amended. The Board discussed this and one member asked whether the Select board would approve and it was stated that we don't have control over that but we do have a condition stating that our approval is contingent on their approval. Ms. Nagireddy representing the Select board stated that the role of the Board of Health is to determine whether the applicant has submitted the required materials and has proven that it meets health standards but personally stated that the Board of Health should consider whether this project is in the best interest of the health and well-being of our residents. The Chair took roll call and the vote was 4-1. Motion passes.

Minutes – February 7, 2023

On a motion made by Mr. McInnis, seconded by Dr. Taylor, the Board unanimously voted to accept the minutes of February 7, 2023. The Chair took roll call and the vote was 5-0.

Other Discussion

The Board stated that we have another hazardous materials control permit for another energy storage site and asked staff about that. Ms. Ball stated that since the initial meeting happened, they are working on the items the Board asked for and will schedule it back before the Board once that has happened.

In addition, the Board asked about development on the former WR Grace site. Ms. Ball stated that she will attend future discussions about this but right now it is in the preliminary stage.

4. Adjournment

On a motion made by Dr. Taylor, seconded by Mr. McInnis, the Board unanimously voted to adjourn at 8:53 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
- 100 Discovery Way, Health recommendations for conditions, Blue Wave response to Board's conditions, location plan
- Minutes from 2-7-23

Respectfully Submitted,

Sheryl Ball
Acton Board of Health

Mark Conoby, Chairman
Acton Board of Health