

DATE April 11, 1988Barbara Brown
TOWN CLERK, ACTON.ACTON BOARD OF HEALTH
MINUTES OF MEETING
OCTOBER 27, 1987

Members present: Daniel Costello, Richard Stephens (who had arrived well in advance of the rest of the Board members), Charlotte Sagoff, George Emmons, and Associate member Cam Amos.

Staff present: Doug Halley, Director; Carol Holley, clerk.

Guests present: For Payless Cashways: Lou Levine, Bruce Stamski, Steven Briles; for APNS, Julia Stevens, Nursing Supervisor; for WR Grace, Donald Johnstone and Associate; Mr. Kaufman for himself; Mr. William Parish for himself, with associates.

The meeting opened with a review of the minutes of the October 13 meeting, at 7:37 p.m. Regarding the Knox Trail radio station, Mr. Stephens noted that he had recently received literature from Dow-Corning regarding transformers filled with silicon oil, which is completely PCB free. Mr. Halley was requested to pass this product information on to the proprietor of the radio tower. Mr. Stephens then moved to accept all pages of the minutes of the previous meeting as corrected. Mr. Emmons seconded. All voted in favor.

Mrs. Sagoff presented EPA standards for VOC's in water she received at a recent Water District meeting, and expressed her disapproval of these standards, noting the allowable amounts are much too high. Mr. Stephens noted that currently the EPA regards any detectable amounts of VOC's as no good, and agreed that the standards shown by Mrs. Sagoff were unacceptable. Mrs. Sagoff then moved that the Acton Board of Health stand with the standards now existing in the Town, specifically, no more than 1 ppb for one contaminant and no more than 5 ppb for any further contaminants. Mr. Emmons seconded. Mr. Stephens urged that the Board of Health pass as regulations these standards and make these standards into an order to the Water District's compliance. Mr. Costello noted that this should be sent to the Water District as an advisory. All voted in favor.

Per query of Mrs. Sagoff, Mr. Halley noted that the Town is now waiting for a response from EPA on WR Grace's phase IV report.

On another matter, Mr. Emmons asked about soil contamination on Knox Trail after he had reviewed a list of Superfund sites. It was noted that this is the former Agway site.

7:58 p.m. Payless Cashways. Regarding submittal of material at the last minute, Mr. Costello noted that this material deserved more than a cursory review. Attorney Levine noted that this project was currently under severe time constraints, and stated to his knowledge the matter of a private well had already been discussed. He further stated that GZA has found no problems with the private well alternative. Mr. Costello noted that the issue of fire protection had also been raised.

Mr. Stephens asked about travel time from the septic system to the proposed private well, and was told this was about six months, a distance of 600 feet. Per another query of Mr. Stephens, Michael of GZA noted that this is not a situation where the depth of the aquifer would provide increased hydrostatic pressure.

In this particular aquifer the water travels for the most part in a horizontal manner. The comparative natures of bedrock and shallow wells were discussed. Mrs. Sagoff asked about DEQE involvement, and Mr. Levine replied that as this well will serve over 25 individuals DEQE by operation of regulation becomes involved in water quality monitoring. Mrs. Sagoff also expressed concern about the private wells going dry when the Marshall wells are being pumped.

Michael of GZA explained the map in his report to Board members. Per query of Mr. Stephens, travel time and recharge zones for private wells will not be affected by the septic system. Michael noted that most residential wells are about 100 feet from the septic system.

Mr. Stephens noted that the Board requires a one-year travel time to a public water supply, and that natural grading and Water District wells drawing water will not be changed by a 2700 gallon per day well in terms of flow patterns. Michael noted that this travel time estimate is strictly horizontal, stating that the well is well below the septic system and will recharge there, not on the same level as the septic system. Michael also stated that a bedrock well would be drawing from a different aquifer and the chances of drawing septic effluent into a deep well would be more remote.

Mr. Stephens asked about the location of the nearest fire hydrant. Mr. Stamski replied that a hydrant exists about 400 feet from the site, and the fire trucks carry over 2,000 feet of hose. The hydrant is about 1,000 feet from the building. Mr. Costello asked about running a dry line to the edge of the property to a hydrant for fire department hookup, and wondered if this would prove overly costly, to which Mr. Stamski replied that this cost would prove de minimus in relation to other costs incurred to date for this site.

Mrs. Sagoff asked about insurance carrier approvals with private water supply. Mr. Briles noted that their insurance carrier has approved the sprinkler system with an underground storage tank for water.

Mr. Stamski related that the requirements for wells is that the draw of the well has to be within the property served. The state requirement for this is 142 feet.

Mr. Costello noted that time was a-wasting and a motion was in order.

Mr. Stephens noted two pending issues for the site: water supply, and he was satisfied that an agreement could be reached as to the safety of the well; and the emergency response plan, and whether or not there is a connection between putting out a fire and contaminating the aquifer. Will the very act of putting out a fire be too much to handle by the drainage system that is to protect the aquifer? Mr. Stamski referred back to the drainage system which goes into a clay-lined retention area, noting that the small drain from the clay-line area could feasibly be plugged if necessary.

Mr. Emmons noted that more had to be done than converse to determine the answer to the dangers posed by a possible fire.

The Hazardous Material Response Plan was noted as being of an outline nature. Mr. Stephens noted that a letter from the Northbriar community raised a good

point in running the risk of polluting an aquifer when you put out a fire. Mr. Costello asked if it were prudent to address the hazardous materials issue now rather than just prior to occupancy.

Mr. Costello asked about the capacity of the on-site detention basin. Mr. Emmons wished the Board to be on record as expressing a great deal of concern regarding possible contamination of the aquifer as a result of a fire. Mr. Stamski researched the capacity and noted the basin is 156,000 cubic feet, or over a million gallons of storage as currently designed.

It was emphasized that it only takes one jigger in a million gallons to pose a pollution threat. Mr. Levine scenario'd an oil truck accident causing more pollution than the Payless Cashways site. Mr. Emmons noted that some things the Board could not control, such as traffic accidents, but the Board was responsible for those things it could control, such as design of the site.

Michael noted that, in case of fire, something would have to be done with the water once it was retained.

With the understanding that the Board of Health is very concerned with the hazardous waste handling plan in general, and the emergency response in particular, and also the handling of fires, noting that this discussion was still remaining, Mr. Stephens moved to grant permission to install a 2,700 gallon per day well for Payless Cashways so that: 1. The well be positioned so as to minimize the influx to the well from any potential contaminant sources on the site as shown on the proposed plan, and 2. The well be a minimum of 300 feet in depth, installed in bedrock. Mr. Emmons seconded. Mr. Stamski noted they would like to put the well as on the plan. All voted in favor.

8:50 p.m. Mrs. Sagoff wished to go record as noting the wonderful service being provided her husband by the APNS.

Julia Stevens of the APNS appeared before the Board to discuss financial matters.

Mrs. Stevens noted that the budget line for secretarial salaries had been changed to allow for five days of coverage, as she now spends two days a week dealing with the telephones. She will be seeking a two-day secretary to fill out the week. Another necessary increase reflected the change of home health aide status, which has actually gotten back income to the Town. An increase in liability insurance rates for the Town and the individual nurses was noted. The insurance premiums for the nurses has doubled for staff and on-call nurses. The rent for the Merriam building offices has also increased. Other budget changes and the reasons therefore were reviewed as well.

Mr. Emmons asked about records storage. Mrs. Stevens noted that there is not adequate storage area. Mr. Emmons urged Mrs. Stevens to put in for as many file cabinets as the Nursing Service might need.

Mrs. Stevens noted that losses incurred for nursery school inspections. Mr. Stephens noted that this changes the expenses from the morbidity side to the Town service side. Mrs. Stevens noted that if the nurses get any busier, they will have to stop inspecting nursery schools.

Cost report comparisons were distributed. A decrease in the number of visits was noted and an increase in the number of home health aide visits. Costs were frequently much less than Medicare reimbursements allowed. Mrs. Stevens therefore requested new fees for Medicare and other full insurance reimbursers, and noted that the number of referrals appears to be holding steady.

The results of changing rates now was noted as being increased by \$100,000.

Mr. Stephens asked about program cost limits on the cost report. Physical Therapy increase will still be within state limits as well as other services.

Costs of Social Work and reimbursements for the number of visits was noted. It was also suggested that the rate for the MSW was covered only half the time. Mr. Costello wished to max out the MSW rate to gain what revenues were possible.

Mr. Stephens moved that new nursing service rates be authorized as follows:

1. \$60 per visit for Skilled Nurse
2. \$90 per visit for MSW
3. \$25 per hour for Home Health Aide

Mrs. Sagoff seconds. All in favor.

Regarding policy issues, regular reevaluation of many cases were noted. Mrs. Stevens feels that many people can afford to pay more than \$5-\$10 for these services. She wished for all patients to fill out their forms again and have the fees raised. Mrs. Sagoff asked if all the elderly could fill out their financial data sheets. Mrs. Stevens noted that most of them live with their families, and that many elderly move to Acton for the superior services offered here. Mr. Costello stated that the policy should be set according to Nursing Service needs. Mrs. Stevens stated the need for uniformity. Mr. Emmons moved to adopt the policy as summarized in Mrs. Stevens's memo of October 1987, Items 1 and 2, and further moved that all financial forms be kept in locked storage. Financial data sheets can be updated per Mrs. Stevens's discretion. Mrs. Sagoff seconded. All voted in favor.

Sliding fee scales were discussed. It was noted that this had been established some time ago and records needed to be searched further.

Mr. Costello suggested that in the case of the non-residents receiving health care from APNS, the resident with whom the non-resident is staying will be responsible for the expenses of the non-resident. Mr. Stevens expressed concern with this burden on the resident host/ess. Mr. Costello noted that some of this interstate matter, with HMO's and their limitations, would have to be a matter of legislation.

Mr. Stephens moved to set up a private fee schedule for nursing visits only which establishes a maximum charge to the Town residents of \$48.00 per visit and is proportionately reduced with ability to pay. Mr. Stephens explained the reasoning for the charge of \$48. By setting up a fee schedule for charging for nursing visits, this can be dealt with as a normal debt with a normal billing procedure. A resident was defined as a patient located in the Town of Acton at the time need for nursing services arises. Mrs. Sagoff seconded; all in favor.

Mr. Stephens moved to take a 5 minute break. All in favor.

9:58 p.m. Meeting with SEA was discussed for Thursday, November 12 at 7 p.m. at the DPW building. Secretary was directed to so post.

10:00 p.m. Mr. Kaufman. Problem with drainage at Lothrop Road, request for Variance from Title 5.

The water conditions in the dry hole outside the garage on this site were discussed. Mr. Kaufmann has been pumping water onto the street. Mr. Halley recommended the Board grant the variance because the present situation is more detrimental to the leaching field. This will be a gravity drain, a 6" pipe. Mr. Costello asked for gasketed mechanical joints so that it would not leak. The dry hole itself was noted to be just outside 25 feet from the leach area. Mr. Halley described all the site constraints, particularly grading.

Mr. Emmons moved to grant a variance from Title 5 to allow the pipe to pass 22 feet from the leaching field and reserve area. Mr. Stephens seconded. All in favor.

10:06 p.m. Requests for special permits for residential septic repairs, 3 Notre Dame Road, 128 Willow Street, and 4 Marion Road. 3 Notre Dame Road had a percolation rate of 2 minutes per inch.

Mr. Stephens moved to grant special permits for 128 Willow Street and 4 Marion Road, both located in an aquifer protection area, subject to the following conditions:

1. No underground fuel storage tanks permitted on the site.
2. The septic tank will be pumped a minimum of once every 2 years.
3. The site will fully conform to the Town of Acton Hazardous Material Control Bylaw.
4. The sewage disposal system for the proposed buildings at this site is to be approved by Acton Board of Health staff.
5. Sewage disposal system is a minimum of 100 feet from flood plain and/or wetlands.

Mr. Emmons seconded; all in favor.

Mr. Stephens moved to grant a special permit for the septic repair at 3 Notre Dame Road subject to the following conditions:

1. No underground fuel storage tanks permitted on the site.
2. Septic tank will be pumped a minimum of every two years.
3. The site will fully conform to Town of Acton Hazardous Material Control Bylaw.
4. The sewage disposal system for the proposed buildings at this site is to be approved by Acton Board of Health staff.
5. Leaching facility is designed and installed with an intermediate layer with a percolation rate of between 6-10 minutes per inch in those areas that have a percolation rate of less than 2 minutes per inch, or with pressure dosing of the system, said pressure dosing to be designed in accordance with State Environmental Code.
6. Sewage disposal system is a minimum 100 feet from flood plain and/or wetlands.

Mrs. Sagoff seconded; all voted in favor.

10;10 W.R. Grace. Special permit Request. Demolition/Renovation

Mr. Halley reported the results of his site investigation. No potential problems with the proposed demolition were noted. EPA has not yet contacted Mr. Halley regarding Phase IV closure plan, but this appears to not be a problem. The tank plans and boiler plans have been submitted. New above ground storage tanks that will be in containment vessels are to be built. The boiler will be a gas boiler, a small one used presumably for heating. Per query of Mr. Stephens, this is a steel boiler and the blow-down will be contained and trucked out. The upper boiler will be oil-fired. The lower plant boiler is 60 HP. Mrs. Sagoff asked if Mr. Halley will be checking the installation. Mr. Halley replied in the affirmative.

Mr. Halley noted that this boiler issue is separate from the demolition issues. The request is for above ground fuel storage.

Mr. Stephens moved to grant a special permit for the construction of a 15,000 gallon oil tank with containment pad as shown on the plan and approved by staff and further that the construction of a boiler house as also approved, subject to the following conditions:

1. The boiler blow-down will be trucked from the site.
2. No underground fuel storage tanks are permitted on the site.
3. The site will fully conform to the Town of Acton Hazardous Material Control Bylaw.
4. Cleaning procedures for the building will use only non-toxic and biodegradable cleaning compounds.
5. Floor drains are not permitted within the building.

Mr. Emmons seconded. Mr. Johnstone's associate asked about evaporating the blow-down. The Board had no problems with this procedure. All in favor.

10:26 p.m. Knox Trail, Special Permit for Storage of Automotive Products.

The proposed use of the site was described. It was noted that there are no floor drains. This permit is to store waste oil, antifreeze, and water from automobiles. Everything will be contained in the building and then pumped out.

Mr. Costello asked about numbers of cars. Mr. Parish noted that there will be 4-5 cars at a given time. Per query of Mr. Amos, sanitary wastes go into a septic system. This is to be a general mechanical auto repair. The floor is cement with no drains. It is a pole building, with wooden trusses and metal sheathing with insulation. There is a 3 foot concrete retainer. No gasoline outside of the cars will be on site. Mr. Costello asked where the materials were to be stored. It was noted they will be in packaging on shelves, in the case of new product. Town water was not yet at the site but the owner was working on it. There is a fire hydrant outside. The possible problems with fires were reviewed.

Mr. Emmons moved to grant a special permit for storage and handling of materials. This permit is for 330 gallons of waste product and 170 gallons of

new product, as per the fire department permits. 500 gallons of heating oil are also on the site, stored within a containment berm, and there will be a 500 gallon wastewater containment on site. All this material is to be diked and contained in a containment area of 110% capacity. Mr. Stephens seconded. All voted in favor.

11:01 p.m. 20 Cherokee Road, Variance request for repair of septic system.

This system is too close to a drainage line and the trenches are too close together. They are 13 feet from a drainage line. This is a public drain. The relative elevations of the drain and the leach bed were not known. The natural flow of the groundwater should be along the drain and not intersecting the drain. Groundwater was noted to be at 8 feet on August 5, 1987. Mr. Costello wished to have the depth to the drain recorded on the plans.

Mr. Emmons moved to grant a variance to Title 5 and Acton Rules and Regulations to allow 9 feet between trenches and the distance to the drain to be 13 feet instead 25 feet, subject to the condition of find the depth of the Town drains and relationship to the bottom of the septic system and groundwater. If the determination by staff is that the drains might be picking up effluent from the septic system, this matter will come back before the Board of Health. Mr. Stephens seconded. All in favor.

11:09 p.m. Variance for 47 Jackson Drive. Mr. Emmons moved to grant a variance to allow the slab to be within 7 feet 6 inches of the septic tank provided the foundation be extended below the bottom of the tank so as not to exert any pressure on the tank. Mr. Stephens seconded. All in favor.

11:12 p.m. 507 Main Street. Variance request for septic repair.


Mr. Halley discussed the problems with the subject site. The proposed system is 7 feet from the property line which requires a variance. An Acton Rules and Regulations variance is also required because the total area provided is 420 square feet and 800 square feet in area is required. Mr. Costello wanted to see 800 square feet of leaching on the site. Mrs. Sagoff moved to table. Mr. Stephens seconded. All in favor.

11:25 p.m. Mrs. Sagoff exits.

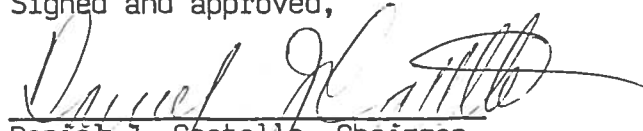
11:26 Mr. Emmons moved to go into brief executive session to discuss matters of pending litigation.

11:30 p.m. Meeting moved out of executive session and adjourned.

Respectfully submitted,


Carol J. Holley, Secretary

Signed and approved,


Daniel J. Costello, Chairman