

Acton Board of Health

Room 126, Acton Town Hall
Acton, MA 01720

November 18, 2013

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TOWN CLERK
ACTON

Members Present: Michael Kreuze -Chairman, Dr. William Taylor, William McInnis,
Mark Conoby and Pam Harting-Barrat-Associate with Voting Rights for absent
Joanne Bissetta

Staff Present: Sheryl Ball-Health Agent
Weiyuan Sun-Administration

Other Present: Kathleen Doran Boyle

Location: Room 126, Town Hall, Acton, MA 01720

The meeting was called to order at 7:36 P.M.

Minutes

On a motion made by Dr. Harting-Barrat, seconded by Mr. Conoby, the Board unanimously voted to approve the Board of Health minutes dated October 28, 2013 as amended.

Acton Funeral Home-Burial Permit

As requested from the last Board meeting, Ms. Kathleen Boyle, Acton Funeral Home Director was present to update the Board regarding how funeral homes, hospitals and the Massachusetts Department of Public Health identify communicable disease. Ms. Boyle mentioned that for the medical issues, the doctor does first reporting and funeral home second. However, most often this is done in the hospital where the doctors and medical examiner make the determination. Ms. Boyle pointed out that no one moves the body without utilizing universal precautions in order to ensure safety for all. Ms. Boyle is currently being trained to utilize the Electronic Death Registration System that will allow doctors, funerals homes, Health Departments, Town Clerks, etc. to issue burial permits and death certificates electronically. The Board thanked Ms. Boyle for the update.

W.R Grace-Update

The Court heard the motions submitted by the Board of Selectmen regarding W.R. Grace. At a previous hearing the court allowed the Town's Motion to be processed notwithstanding the automatic stay in the Bankruptcy Court and after allowing the United States's Motion to Intervene, Judge Woodlock ruled the following:

- (a) focused on the preemptive effect of CERCLA section 121 notwithstanding the corresponding provision that Section 121: shall not apply" in case of a prior consent decree,
- (b) denied the Town's motion for Preliminary Injunction based on this finding the Town does not have a reasonable likelihood of success on the merits;
- (c) Indicated that he will seek input from DEP before deciding the Chapter 21E preemption issues; and
- (d) stated that he will then rule on the pending Motions to Dismiss.

Based on the Judge's rulings from the bench, Counsel anticipates that the Judge will dismiss the Town's complaint. When Counsel receives the Court's decision, he will meet with the Selectmen in executive session to review the decision, answer any questions the Board may have, and assist the Board in determining whether the Town will or will not make an appeal.

Community Innovation Challenge Grant Program

The Town of Acton is one of five towns participating in Middlesex County Community Innovative Challenge Grant Program that has partnered with the University of Massachusetts Laboratory Of Medicinal Zoology to create a project to build a cost effective disease surveillance database for tick borne illnesses. Mr. Halley, Health Director, wrote a letter to Community Innovation Challenge Great Program, Boston, MA in support of a reduced test fee of \$25 per a sample for testing of tick borne diseases of Lyme, HGA and Babesiosis. This grant will allow each community to offer tick testing to residents free the first year and at an affordable rate in succeeding years. The Board of Health is in support of this grant application.

6 Billings Street- Variance

The owner of property located at 6 Billing Street has requested a variance from 310 CMR 15.405 (1)(c) and Article 11-8.1 to allow for up to a 25% reduction in the required subsurface disposal area. The Health Department has reviewed this request and finds the following:

1. The proposed onsite wastewater system is designed with the Presby Enviro-Septic Technology in place of a conventional pipe/stone soil absorption system.
2. Presby design criteria allows for up to a 40% reduction in required SAS footprint due to additional levels of treatment of the septic tank effluent achieved by the buried bio/sand filter combination.

On a motion made by Mr. McInnis, seconded by Mr. Conoby, the Board unanimously voted to approve the variance request to 310 CMR 15.405 (1)(c) and Article 11-8.1 to the property located at 6 Billings Street with following conditions:

1. The system shall be constructed in accordance with a plan to be submitted and approved by the Health Department.
2. At all the times until the system is decommissioned, it shall operate in accordance with the most recent Remedial Use Approval for the Presby Enviro- Septic System, issued by MassDEP.

16B Rear Craig Road-Variance

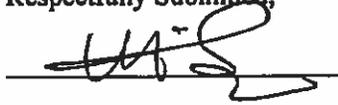
The Health Department has received a request for a variance from 248 CMR of the State Plumbing Code for the amount of bathrooms at the property located at 16B Rear Craig Road from Margaret Hammill which would require Board of Health approval. Ms. Hammill owns "To Die For" who is a manufacturer of dips and spreads and is also licensed by the State as "processor food for sale at wholesale". The property located at 16B Rear Craig Road has one bathroom that provides two toilets and two sinks. The cost of relocating their business is a financial burden which only is increased by adding an additional bathroom as required by the Plumbing Code. As such they are requesting to maintain current bathroom status. The Health Department has reviewed this request and believes that relief from the requirements of 248 CMR is appropriate and therefore recommends that the Board support a petition to the Plumbing Board to vary 248 CMR and allow the current bathroom configuration.

On a motion made by Dr. Harting-Barrat, seconded by Mr. McInnis, the Board unanimously voted to recommend the petition to the Plumbing Board to allow the use of the one bathroom.

Adjournment

On a motion made by Dr. Harting-Barrat, seconded by Mr. Conoby, the Board voted to adjourn at 8:54P.M.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'W. Sun', written over a horizontal line.

Weiyuan Sun
Acton Board of Health

A handwritten signature in black ink, appearing to be 'Michael Kreuze', written over a horizontal line.

Michael Kreuze -Chairman
Acton Board of Health