

**TOWN OF AYER BOARD OF HEALTH
Meeting Minutes of January 25, 2016**

Meeting called to order at 5:30 pm

Members present included: *Chair* Heather Hasz, *Clerk* Mary Spinner, *Member* Pamela Papineau, and *Administrative Assistant* Jane Morriss

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CALL TO ORDER/PUBLIC INPUT: The meeting was called to order at 5:30 pm. There was no public input.

NABOH MATERIAL REVIEW (B. Braley): Return inspection to the Oriental Market found previous violations fixed. Investigated complaint about overflowing dumpster at 52 E. Main Street; Owner of 32 William Street called to follow up on receipt of violation letter.

RAB MEETING SUMMARY (P. Papineau): A discussion of the old Moore Airfield Area of Concern (AOC 50) dominated the meeting. Soil contamination at this site still extends approximately 3000 feet southwest from the area of the original source of contamination to the Nashua River. Current remediation activities consist of injecting a special material designed to degrade the PCE (tetrachloroethylene) contaminants deep into the contaminated soil. The most recent monitoring well data indicate that the remediation efforts are having a positive effect. "The numbers are looking very good," P. Papineau said. An additional filter has been added to the Shepley's Hill pump and treat process, which has increased the effective water treatment rate by approximately 10 percent. Ayer's institutional controls (drinking well moratorium) are considered effective; neither the Army Corps of Engineers nor the Ayer BOH are aware of any active wells located in the Shepley's Hill impact area. Long-term remediation plans will continue for Shepley's Hill, AOC 50 and other areas of contamination. "It will take as long as it takes," *Chair* Hasz commented at the close of the summary. The next RAB meeting will be held April 14.

DISCUSSION OF PROPOSED ZONING BYLAW: *Chair* Hasz e-mailed Jeremy Callahan (Planning Board chair) to let him know that the Board of Health would not be submitting its comments until after they had an opportunity to meet and discuss the proposed zoning bylaw at this meeting. Much of the Board's discussion centered on the significance of the fact that the BOH is not listed among the entities that are given "special permit granting authority" by MGL Part I Title VII Chapter 40 Section 1A which reads in part: "Special permit granting authority", shall include the board of selectmen, city council, board of appeals, planning board, or zoning administrators as designated by zoning ordinance or by-law for the issuance of special permits." Clerk Spinner said bylaws can become very political; and she distinguished between a bylaw and a regulation (such as the aquifer protection regulation) which was enacted by the BOH, an elected board. The BOH aquifer protection regulation is also more restrictive than the proposed bylaw. She also pointed out that because the BOH has access to the services provided by the NABOH to protect the quality of the Town's drinking water, and because the BOH meets twice a month (as contrasted to the Planning Board and the ZBA that meet only once a month), the BOH is in a much stronger position to oversee aquifer protection in Ayer. The Board voiced frustration that there was "no tracking" permitting any kind of meaningful comparison between the current bylaw and the proposed bylaw. Clerk Spinner said that was why Town Meeting voted to table it. Clerk Spinner said the proposed bylaw makes the assumption that the town would be served by a full-time building inspector. "Various Boards of Selectmen have ignored the will of the people, who have voted at Town Meeting to make the building inspector a full-time position." J. Morriss was instructed to bring copies of the BOH Aquifer Protection Regulation to the January 26 informational meeting hosted by the Planning Board.

REVIEW OF MINUTES FROM DECEMBER 14 AND JANUARY 11 2015: Having been accepted at the January 11 meeting pending revisions, a corrected copy of the December 12 minutes were presented for signatures; M. Spinner motioned to accept the minutes of the January 11 meeting and P. Papineau seconded; the Board voted to accept the minutes. 3/0 A

ADMINISTRATIVE MATTERS: M. Spinner said the Town of Tyngsboro recently amended its 2007 tobacco regulations. She asked that the Board have its assistant obtain a copy of them. There is talk that the state legislature may enact regulations, so we need to be aware of all new changes. M. Spinner requested that her name be added to the 2015 BOH Annual Report as an elected member of the NABOH Executive Committee.

ADJOURN: Clerk M. Spinner motioned to adjourn the meeting at 6:20 pm with P. Papineau 2nd. A 3/0


Heather Hasz, *Chair*


Mary Spinner, *Clerk*
2/22/16


Pamela Papineau, *Member*