

Ayer Board of Health Meeting Minutes
May 20, 2013 - Ayer Town Hall - Call to order 5:30 p.m.



Members present: Mary Spinner, Chair; Heather Hasz, Member; Pamela Papineau, Member
After reorganization: H. Hasz, Chair; M. Spinner Clerk; P. Papineau, Member
Also present: Ruth Terry, Administrative Assistant
Documents: Agenda, Mail Update, BOH Draft Amended Moratorium dated 5/20/13, B. Braley 5/10/13
memo re Vitasoy, Ayer Recycling Committee minutes of 5/15/13

- **H. Hasz motioned to approve the minutes of May 6, 2013, M. Spinner 2nd, A 3/0.**
- New animal permits – There are no new applications at this time. We have received no word from the High Street chicken owner; she will be asked to attend the June 10 meeting.
- Permit renewals – The Board renewed two chicken permits. We are expecting three more.
- Moratorium on groundwater wells –
 - M. Spinner participated in the May 8 conference call with the Town Administrator, EPA, and Skeo Consultants. She stressed that the moratorium is not about Land Use Controls, that BOH wants to keep it simple (strictly a moratorium), and that BOH did not include a map since it is always changing. Skeo felt the BOH-approved moratorium was fine.
 - Town Counsel reviewed the moratorium and returned many changes. These tie the moratorium to Land Use Controls, cite BOH as the enforcement authority, and refer to a new Bylaw that has not yet been approved by the state. The Board agreed that Town Counsel's comments are very well crafted if there is a need to go to court. M. Spinner noted the BOH Private Well Regulations answer most of these comments. BOH is already the enforcement authority for all private wells. As permitting authority, BOH can deny permits in the contaminated area, and so BOH simply will not issue a permit.
 - The Board reviewed a draft BOH amended moratorium that includes only wordsmithing suggestions from Town Counsel.
 - P. Papineau asked for clarification from Town Counsel, since both EPA and Town Counsel comments tie this back to land use, from his position if he has to defend this in court, does it need to be tied to land use and how could it be challenged. H. Hasz asked why this was not brought to BOH before now. The Board agreed that including a map is a mistake.
 - P. Papineau noted that the moratorium arose because of the Army's request for Land Use Controls. Land use, moratorium, and arsenic are tied together as a chain of events. The moratorium we are doing is a Land Use Control, based on the presence of the arsenic.
 - M. Spinner stated that the Army will not have the final plan until September. The moratorium must be put into effect now and not drag out for another three months.
 - P. Papineau stated if Town Counsel actually feels that he needs this information in here to provide a solid legal footing and give the moratorium some teeth, BOH should include it.
 - When BOH asked Town Counsel to review this, we did not expect to receive such a significant revision.
 - The Board agreed that it does not want to include EPA's comments that expand the Purpose section. Town Counsel's comments have tightened up the language and then build on EPA's comments, including a Definitions section that talks about Land Use Controls. It was agreed that items in the Well Regs do not need to be restated. H. Hasz asked where were these comments a month ago when we solicited comments from them.
 - **H. Hasz motioned to accept the amended copy dated May 20, 2013, of the Moratorium on Groundwater Wells in the Town of Ayer and to remove under "Purpose" the words "to the residents of the Town of Ayer", P. Papineau 2nd, A 3/0.**
- Reorganization of the Board –
 - **P. Papineau motioned to nominate H. Hasz as Chair, M. Spinner 2nd, A 3/0.**
 - **P. Papineau motioned to nominate M. Spinner as Clerk, H. Hasz 2nd, A 3/0.**

- Nashoba Associated Boards of Health – Bridgette Braley, Health Agent – material review:
 - Reviewed food, tattoo, and septic permits and a housing violation. Some food permits are for the July 4th celebration only. Mobile food units move around but are available for inspection.
 - 100 East Main Street – The tenant called B. Braley. B. Braley noted that there were cockroaches, live, dead, and eggs, throughout the apartment. The tenant told her that her child had tested positive for lead. The physician is the one who notified the Dept. of Public Health. The owner told B. Braley that he had had an issue with cockroaches in a downstairs kitchen prior and that he had just had that area cleaned. B. Braley told him that when it is cockroaches, you have to have the entire building done.
 - Vitasoy – This is ongoing. B. Braley documents complaints and refers them to DEP. The most recent complaint was received May 9. DEP is very involved in this situation. H. Hasz read B. Braley's May 10, 2013, email update. DEP will issue an Administrative Consent Order (ACO) against Vitasoy re upgrades to the wastewater pre-treatment plant. Odor problems are being addressed by correcting a blower on the equalization tank, changing water in the air pollution control scrubbers, and installing new spray nozzles. We will get a copy of the ACO to review at the next BOH meeting.
 - The Conservation Commission issued an Emergency Certification for the beaver dam west of Willow Road. H. Hasz gave background on managing beavers with the no trapping laws.
- 37 Willard Street – M. Spinner updated the Board. B. Braley received a message today that the property was broken into and copper piping stolen. The Building Inspector sent a letter to the owner on May 14, 2013. We will ask the Town Administrator and Building Inspector to provide an update for the next BOH meeting.
- No bills.
- Mail –
 - The Board answered the survey from Skeo Consultants re their work under the TASC grant.
- BOS joint meeting re properties – No date has been set. The Board discussed having the health agent present at this meeting. H. Hasz will contact the Town Administrator re this meeting.
- Recycling program – Laurie Sabol is scheduled to come to a future BOH meeting. The Ayer Recycling Committee minutes of May 15, 2013, were distributed; they contain items to be discussed at the upcoming meeting. The Board discussed landlord responsibilities under trash removal laws and curbside pickup. Residents have the option of hiring a private hauler.
- The final version of the Shepley's Hill Long-Term Monitoring and Maintenance Plan (LTMMMP) is available in the BOH office in hardcopy and on disk.
- Medical marijuana dispensary – M. Spinner reported on a visit to the BOH office from John Hillier re his proposed dispensary at the former Sudz-It on Central Avenue. B. Braley will inspect the kitchen. BOS will discuss this at their meeting tomorrow. The dispensary law was passed last year; regulations will be released this Friday. J. Hillier's location will have monitoring cameras and has been cleared in back for security. Plants will be grown in soil in the basement. He has spoken to the Police Chief. Service is by appointment, so parking will not be an issue. A limited number of dispensaries are allowed per county, and many communities have issued zoning moratorium bylaws. J. Hillier has offered to attend a BOH meeting to discuss his facility.
- Emergency Dispensing Site (EDS) – M. Spinner noted that Ayer does not have an identified drive-through EDS for distribution of prescription medications. Margaret Kidder was working with Ken Gikas to look at sites, but this was not completed. R. Terry will research what transpired and update the Board.
- P. Papineau noted that BOH has an Outdoor Wood Burning regulation and inquired if there was a bylaw on fire pits. Fire pits are permitted by the Fire Department.
- **M. Spinner motioned to adjourn, H. Hasz 2nd, A 3/0.**
Meeting adjourned at 7:10 p.m.

H. Hasz 7/8/13

Mary Spinner 7/8/13

Rob Spinner 7/8/13