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TOWN OF AYER
BOARD OF HEALTH

TOWN HALL – 1 MAIN STREET – AYER, MASSACHUSETTS 01432 – (978) 772-8220 Ext 145

Minutes of March 14, 2022 - Ayer Board of Health Meeting

Location: Remote Participation via Zoom

Meeting was recorded and broadcast by APAC

Members Present: Stephen Slarsky, Chairman, Patricia Peters, Clerk and Pam Papineau

Also Present: Heather Hampson, Administrative Coordinator and Bridgett Braley from Nashoba Associated Boards of Health

Chairman Slarsky opened the meeting 5:30 PM

At 5:30 PM P. Papineau read aloud the notice allowing for remote participation meetings as stated on the posted agenda

At 5:31 PM P. Papineau read allowed the wording for Executive Session under MGL c.30A, Sec. 21A Exemption#3.

At 5:32 PM P. Peters made a motion to enter executive session. Papineau seconded. No discussion. Vote by roll call vote: P. Papineau, aye; P. Peters, aye and S. Slarsky, aye.

At 6:00 PM the open session of the Board of Health reconvened

Public Input

There was no one present for public input.

NABOH Update

B. Braley stated that she had sent the food inspection reports to S. Slarsky and the Board of Health office and then included inspections at Lazy Mary's and Dunkin Donuts and issues the frozen dessert license for Wendy's.

Discussion, 111 Fitchburg Rd

B. Braley wanted to update the Board on an inspection that took place at 111 Fitchburg Road. B. Braley mentioned while on an inspection with the Fire Department and Building Commissioner it was noted that a kitchen has been installed at the site and with that the septic system will need to be redesigned for food service. The Building Commissioner has issued a cease and desist order for permitting issues on the building department side. B. Braley mentioned that she will also be working with the owner on updating the septic system.

P. Peters asked if they are still able to hold their meetings there.

B. Braley stated that they are shut down at the moment.

P. Papineau asked who the food was prepared for and if any was prepackaged.

B. Braley stated that her understanding is that the food is for the meetings/services held on site which can be as large as 300 people.

S. Slarsky asked if there was any question about any of the space on site being used for habitation.

B. Braley mentioned that while they were inspecting the property, they did discover some bedrooms and the Building Commission listed that in the cease and desists. B. Braley wanted to keep the Board informed on what was happening on the property.

Discussion, Odor Complaint from Nasoya

Present: Bridgette Braley, Health agent and Dan Van Schalkwyk, Department of Public Works Director

S. Slarsky mentioned that there have been several complaints of odor received coming from Nasoya and asked a representative from Nasoya to attend to discuss the manner with the Board. S. Slarsky mentioned that he spoke to Mr. Dan Van Schalkwyk, from the Department of Public Works, about the complaints about a month ago he gave him an update on the situation. S. Slarsky wanted to bring the other members up to date on the manner and let the residents of Ayer know the cause and resolution to the odor at Nasoya.

Mr. Dan Van Schalkwyk mentioned that the odor issues have been going on for some time. The most recent complaints were this fall due to issues in the wastewater process on site. Mr. Van Schalkwyk mentioned that the DPW received several complaints. When the DPW went to investigate they discovered that the pH was under the acceptable limits in their wastewater permit, also there were some higher BOD wastes that was being sent into the town wastewater system. The DPW requested that the issues be corrected and after some time an enforcement letter had to be sent to get the items corrected.

Mr. Van Schalkwyk explained how the wastewater from Nasoya enters the Town's wastewater system. Mr. Van Schalkwyk mentioned that there is also a large turnover at the facility and after the issues in the fall a meeting took place with the new workers at Nasoya to explain the violation and corrective action plan.

Mr. Van Schalkwyk mentioned that the complaints from December were not with the wastewater system at Nasoya but with their RTO, air quality system that was un-operational due to maintenance and other issues with the system. There is also a wet scrubber as a backup system that due to the cold temperatures was also un-operational. Mr. Van Schalkwyk mentioned that he is now copied on the odor log and noticed that there have been some complaints over the last week.

S. Slarsky asked if Nasoya is sharing their operation plans or plans to come into compliance. S. Slarsky mentioned that the State has issued a compliance order.

B. Braley stated that the State issued an enforcement order with a fine. B. Braley mentioned that she had been getting complaints and following up with DEP the issue.

S. Slarsky asked if Mr. Van Schalkwyk is involved with the DEP violation at Nasoya.

Mr. Van Schalkwyk mentioned that he is not involved with the air quality part of the operation at Nasoya only the wastewater.

S. Slarsky asked if there was a mitigation strategy that Nasoya issued with the State for corrective action.

Mr. Van Schalkwyk mentioned that he was not sure, there was a plan issued by an engineer for the wastewater.

S. Slarsky asked if there was anything from Nasoya to the Town giving the corrective action plan.

P. Papineau asked if Mr. Van Schalkwyk is stratified with the corrective action for the pH.

Mr. Van Schalkwyk stated that the corrective plan given to the DPW had plans to keep the pH in balance and there have not been any issues lately.

S. Slarsky asked if the Board should contact Nasoya and ask them what the migration strategy is.

B. Braley mentioned on January 27th Nasoya sent out an email that mentioned the air quality issues with the RTO and scrubber as well as the wastewater system being down. B. Braley wanted to let the Board know that Nasoya did respond to the odor complaints and offered to contact them tomorrow to get an update.

S. Slarsky mentioned if Nasoya submitted a plan he wants to give them time to follow through with it to ensure it works.

B. Braley mentioned that she could send a quick email to follow up on the plan that was sent in January to see how it is going.

The Board agreed with sending a follow up email.

B. Braley asked Mr. Van Schalkwyk if an increase in production could affect the wastewater system.

Mr. Van Schalkwyk mentioned that now Nasoya discharges the maximum amount they can under their permit.

B. Braley asked if they could be taking stuff off site and leaving it onsite that could cause an odor.

Mr. Van Schalkwyk mentioned that it could be a possibility, mentioning that there are bio towers in the back that due get vented if they foam over and has happened once or twice since the fall which could have been the cause of one of the smells.

S. Slarsky stated that moving forward B. Braley should send a letter to get an update from Nasoya and then the Board can review and hopefully there is a migration plan.

Town Manager, Robert Pontbriand, thanked the Board for taking up the issue and mentioned that he agreed with the boards approach on the manner. Mr. Pontbriand mentioned that Nasoya has been a valuable business in town, but the communication has always been an issue along with a lot of turnover within the company. Mr. Pontbriand mentioned that the issue is every important to the town and thanked the Board again for addressing the manner.

Discussion, Mask Mandate

S. Slarsky mentioned that the Board of Health highly recommended masks indoors and as of late many indoor mask mandates have been rescinded. S. Slarsky stated that it may be time for the signs encouraging mask indoors can come door, but people should be able to do what they are comfortable with.

P. Papineau agreed that people should feel that if they wish to wear a mask indoors if they want stating that it is still important for people to protect themselves.

S. Slarsky stated that the recommendation came at a time when case counts were increasing dramatically and believes that time has passed. S. Slarsky agreed that people should do what they feel comfortable with but as a Board it may be time to take the signs down.

B. Braley stated that it may be time for a sign that states that people may be wearing a mask to high risk, or they just feel more comfortable with that, and people should be understanding of that.

S. Slarsky stated that as a Board if they see the signs up, they can be mentioned to the owners that they can take them down if they wish that the Board is no longer highly recommending masks indoors.

B. Braley mentioned that her office is asked all the time about taking the signs down by businesses and some have already, and some have asked to keep them up. B. Braley stated it is up to the business if they want to keep requiring masks or suggest wearing them. B. Braley mentioned that there are still some staff members specially in restaurants that still wear them due to the amount of people they are around. B. Braley stated that people just need to be kind and understand that people may still wear masks.

S. Slarsky stated that the Boards position as this is that people can wear masks if they want but will no longer be recommending them.

Minutes January 24, 2022

At 6:31 PM P. Papineau made a motion to approve the minutes of January 24, 2022, as submitted. P. Peters seconded. No discussion. Unanimous vote to approve (3-0-0)

COVID-19 Update

S. Slarsky stated that the reports he has seen have shown the cases going down.

Administrative Items

Animal / Barn Inspection Nomination

H. Hampson stated that the nomination papers came in late last week from the Massachusetts Department of Agricultural Resources for the Barn inspector and will place it on the next agenda.

Meeting Dates in April / In person meetings

H. Hampson stated that due to the Patriot Day holiday and Town meeting on April 25th the Board will only be meeting on April 11th next month.

Mr. Pontbriand stated that the Town's plan is as of April 1st to return to in person meetings. Mr. Pontbriand stated if the Board decides to stay remote the State did vote to extend the open meeting law provisions till July.

Adjourn:

**P. Peters motioned to adjourn the meeting at 6:35PM, and P. Papineau seconded. No discussion.
Unanimous vote to approve. (3-0-0)**



Steve Slarsky, *Chair*

Respectfully Submitted,
Heather Hampson, *Administrative Coordinator*