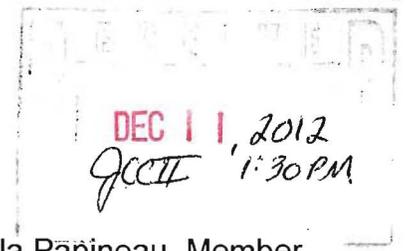


Ayer Board of Health

Meeting Minutes

November 26, 2012 - Ayer Town Hall - Call to order 5:28 p.m.



Members present: Mary Spinner, Chair; Heather Hasz, Member; Pamela Papineau, Member

Also present: Ruth Terry, Administrative Assistant; Bridgette Braley, NABH Health Agent

Documents: Agenda, Mail Update, Mashpee moratorium letter, Devens arsenic groundwater map, Shepley's Hill Landfill map

- **M. Spinner, as the sole remaining Board member in attendance at the October 29, 2012, BOH meeting, signed the minutes of that meeting.**
- New members Heather Hasz and Pamela Papineau were welcomed to the Board.
- Shepley's Hill Landfill – Present were Bob Simeone, Army BRAC; Rachel Leary, Sovereign Consulting; Brian Olson (for Ginny Lombardo), EPA
  - B. Simone gave background and purpose.
    - BRAC is responsible for managing cleanup at former Fort Devens. Controls instituted in 1995 dealt with Army property, not offsite. Current Explanation of Significant Differences (ESD) puts in place land use controls to ensure no use of groundwater in the offsite impacted areas downgradient from landfill site (mainly along West Main Street).
    - After surveying homeowners and correlating with Water Dept. records, they have a fairly high confidence level that no one in that area has a private well. But they did not have 100 percent response. Levels in the area are high enough to cause a health effect if someone were drinking the water.
    - To ensure no one puts a well in the affected area, ESD relies on institutional controls: well permitting regulations to deny permits for wells on West Main Street and Town bylaws to require new or modified homes to tie into municipal water. ESD strategy also includes the Army working with the Town to annually monitor the effectiveness of the institutional controls and to do public outreach by way of an annual mailing to remind residents not to access or use the groundwater in any way.
    - The final layer of institutional controls in the ESD is a formal request for Ayer BOH to institute a moratorium on any existing or future drinking water or access to drinking water for irrigation, agricultural purposes, etc. The Town of Mashpee well regulation amendment was distributed; it is a two-pronged approach with a moratorium on water wells in the affected area and a requirement for people to hook into town water.
    - A plume map was distributed, showing the actual area in Ayer. The area of land use control goes beyond the plume area to be conservative. This map will be updated annually and compared to existing to ensure no changes are needed.
  - B. Olson gave the EPA perspective.
    - Arsenic levels in this area are very high. Risk assessments are based on someone drinking the water for 30 years. In this case there are fairly acute risks, with immediate sickness, so EPA wants to be sure no one is drinking the water.
    - The surveys need to be more complete, even if they must go door to door. EPA's experience is that people hook up to town water but also tend to put in irrigation wells. People in the neighborhood must understand what the risks are.
    - EPA has asked for the extra measure of an actual prohibition on groundwater use. They have done this in Acton and Mashpee and find it is easier on property owners, rather than going property by property to put on easements. They would like to see Ayer implement something like the Mashpee moratorium.
    - This is not a big area, not a lot of houses. The Army is doing a lot to clean up the groundwater. The situation must continue to be looked at annually. Levels will drop as cleanup goes on, and in time, this will not be necessary, but it could take awhile.

- A survey was done in 2001. Supplemental investigation work was done in 2008-09 and again in 2010, when wells were put in behind homes. An expanded map of the area was distributed. This problem does not affect rainwater collection or surface water behind homes.
- M. Spinner suggested B. Simone contact DPW Director Mark Wetzel. B. Simone has spoken with Selectmen re this town briefing.
- M. Spinner will check on whether BOH has the legal authority to do a moratorium. BOS is considered the water and sewer commissioners. Under BOH regulations, BOH has the authority to deny application for a well in a known area of contamination. The BOH reg is applicable to both residential and commercial. People who already have wells in this area should not be using them.
- The ESD will be finalized after the comment period ends in mid-December. The Army wants to know if BOH will move forward with a moratorium, and this can be put in the Town's comments. An amendment to the BOH well regulations would require a public hearing, which cannot be done by mid-December.
- Nashoba Associated Boards of Health – Bridgette Braley, Health Agent – material review:
  - Reviewed food permit renewals, inspections, and animal bite reports.
  - The new Main Street restaurant is not next door to #31 and will have a bar; B. Braley to visit.
  - Ah Gin Wong and Wok 'n Roll have new owners and have received food permits.
  - B. Braley explained that a food establishment is any place that serves food. It is separated into retail (prepackaged), mobile (canteen trucks), and catering. Includes full food service, residential kitchens, grocery stores, seasonal businesses.
  - B. Braley and the new Barn Inspector inspected a barn on Park Street and found no issues.
  - A complaint re brown water on Wright Street was referred to the Town Administrator. This has been ongoing for two years. DEP test results showing nothing above limits.
  - The court judgment for 65 West Main Street re trash buildup was won by default when the owner did not appear. Fines can be issued after court paperwork is received. The Board discussed various ways to communicate and help in these situations.
  - All certified mail to 128 Washington and 14 Williams Streets was returned to BOH. The Building Inspector is working on this. The state Housing Code (105 CMR 400 & 410) spells out trash and nuisance.
- BOH regulation review/update –
  - The Board reviewed the background on the drafting of regulations for vacant and abandoned properties. It was agreed to put this out to the first of the year.
  - The Ayer Outdoor Wood Burning (OWB) reg has been compared with the state reg as to strictness, and it was agreed to take out language re the state not having OWB regs.
  - M. Spinner suggested new members review the BOH regulations.
- New regulations for disposal of commercial food waste go into effect in 2014. DPW is looking into a grant for sludge disposal, food waste.
- Bills – No bills to approve. A reimbursement of \$99.00 was received from PHEP for R. Terry's registration at the MABH conference in November.
- Mail was reviewed and discussed.
- The next meeting of the BOH is Dec. 10, then back to every second and fourth Monday of the month. Meetings now start at 5:30 p.m.
- **H. Hasz motioned to adjourn, P. Papineau 2<sup>nd</sup>, A 3/0.**

Meeting adjourned at 6:43 p.m.

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