

**BOARD OF HEALTH**  
**MINUTES OF MEETING**  
**March 23, 2010**

The Board of Health held a meeting on Tuesday, March 23, 2010 at 7:00 p.m. in the Town Hall Meeting Room. Members present were Tom Philippou, Lorin Johnson and Jack Spero. Also present Ira Grossman, RS, Gary Shepard (David E. Ross, Assoc.), Gary Waitjus (231 Ayer Road), Deborah Skauen-Hinchliffe (221 Still River Road) and Kathy Bunnell (Harvard press)

The Meeting was called to order at 7:00 p.m. Business was as follows:

**Jill Realty Trust, 231 Ayer Road - Discussion**

Gary Shepard, engineer, and Gary Waitjus, property owner, appeared before the board to discuss the above property. Gary Shepard stated that Acton Medical Assoc. would like to expand their practice and add another doctor. There is an issue with flows generated by medical practices and whether the existing system, designed to handle 1170 gpd can handle this expansion.

Title 5 assigns a flow rate of 250 gpd to each physician, but DEP recognizes that this amount is high. DEP allows local boards to grant a variance for this amount basing the flow rate on the actual water meter readings, which are currently at 130 gpd. The Harvard Board of Health has previously and will currently support this, if some minor changes are implemented. Gary presented the Board with letters discussing the plans for the property and asked for their support. After a thorough discussion the Board stated they would support the water meter readings to determine flow rate and will send a letter to DEP providing that quarterly water meter reports are provided and that an agreement to not operate a lab, or use laboratory equipment is signed.

The final issue discussed in regards to this property was the existing system and lack of a two compartment tank to handle the commercial and restaurant flow. Ira stated that this property should be brought up to code with the two compartment tank especially since they are now expanding with more doctors. The Board agreed and asked the owner and engineer to draw up plans to add a two compartment tank as well as certify that there will be no labs with the Doctor's offices.

Gary Shepard asked that the Board send a letter to the Building Inspector so they could get their building permit and begin the remodel. They will then draw up some plans regarding the installation of another tank and come back to the Board for approval. The Board agreed and a letter will be sent.

**Board of Health Files - Discussion**

The Board discussed the issue of locking the file cabinets because numerous times records have been determined to be missing and duplicate copies have needed to be obtained from the NABOH office in Ayer. They also discussed implementing a procedure for public access to the files including a signing out process. All records will need to remain 'on premises' in the BOH office. They will look into funding the rekeying

of the locks through the PHER grant money and begin implementing the new process for signing out files.

### **Reimbursement Question – Discussion**

Ira told the Board that the Clerk had requested a reimbursement for money spent from the PHER grant and was denied. Ira explained that the monies are to be spent by the Board and that the Finance Director only writes the checks and does not have the right to deny or approve money spent from this account. Ira asked the Board to talk to Tim regarding this reimbursement issue and they agreed they would.

The Board then spent a few moments discussing what still needs to be purchased with the remaining money.

### **Impact of Fincom Decision – Discussion**

Tom discussed the recent FinCom meeting and decision. He stated that he and Lorin were both present at the meeting and that a good argument was presented, based solely on the financials, for maintaining level funding of the Board. He argued that the hours and wages are not excessive, several requests for additional funding have gone unfulfilled, and that the necessary follow up to orders the Board has required, along with both the influenza pandemic and emergency planning, substantiates the additional funding sought. It was also pointed out that the law requires that the Board of Health has sole authority to hire any consultant(s) it deems necessary. It appears that this requirement is in place to protect the public health from short-sighted, financially focused individuals. Un-restrained spending controls are in place because the Selectmen oversee and approve the funding of the Board. This arrangement works best in a cooperative environment.

FinCom's argument was that it is not violating the law by not funding that position and that the town would have the two secretaries assume the Board of Health assignments by splitting the work between the two. Tom then stated that if those individuals have the time available to do this, their hours should be cut and that money used to continue funding the clerk's position, as it is more specialized than just secretarial work. Tom also pointed out that in a financial crunch, it makes more sense to replace one full time position with two of the same part-time positions in order to save the cost of the benefits package. Tom stated that Bob Thurston mentioned that this was actually one of the cost-cutting strategies looked at in the past.

Tom also reminded the FinCom that we routinely return part of our budget unexpended, and that savings had been realized when our Clerk did not work for 1 ½ months last year due to budgeting issues. Even though Tom felt he made a persuasive argument for maintaining level funding and the dependence the Board has on its Clerk, FinCom voted to zero out the personal budget on the 2010-2011 budget. The amount allotted for this position is less than \$5 a tax bill.

Both Jack and Lorin stated that they had heard that the funds were being restored but there is no official word from FinCom. Tom will be trying to access Town Counsel to discuss the Clerk issue and what the law says in regards to this matter.

### **Proposal of Interim Changes – Discussion**

With the recent decision of FinCom to cut the Board of Health Personal Budget to zero beginning July 1, 2010, Tom discussed with the Board the changes that may have to take place. The Board would go ahead and meet twice a month with the one of the meetings being an administrative meeting only where they would open mail, respond to citizens but make no decisions. The second meeting of the month, they would hold hearings and make decisions. Tom stated that this would slow things down and more than likely cause the citizens of Harvard some delay in getting approvals, but they would do they best they could with the circumstances they have been given.

### **New Regulations – Discussion**

Tom proposed a new regulation to the Board. This regulation would ask for a 90 day review period at every phase of construction so the Board would have ample time to make decisions regarding properties. This regulation would only be needed if there is no longer a clerk to help disseminate information to the Board. The Board is tasked with protecting the town and would need this extra time.

### **General Store – Discussion –**

The Board is still in the process of drafting a letter to the General Store regarding serving soup.

### **Permits signed-**

**Driscoll, 106 Ann Lee Road, Lot 111** – Single component replacement for existing dwelling. Installation of a new Distribution Box.

**Dahlstrom, 113 East Bare Hill Road** – Single component replacement for existing dwelling. Installation of a sewer line.

### **Minutes**

Tom Philippou made a motion to table the minutes of January 12, 2010. Lorin Johnson seconded. The vote was 3-0 to approve.

Tom Philippou made a motion to adjourn the meeting at 8:20 pm. Jack Spero seconded. The vote was 3-0 to approve.

Respectfully submitted,

Shanna Large, Clerk