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TOWN CLERK

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MILLBURY, MASS.

MINUTES
BOARD OF HEALTH

Date: June 12, 2013

PRESENT: Jim Morin, Armand White, Ronald Marlborough
Julie VanArsdalen, Karen Johnson, Kerry Clark

ABSENT: Derek Brindisi

GUESTS: Noe R. LeBeau, Lee A. LeBeau

Meeting called to order at 10:00 A.M. by Jim Morin, Chairman.

Office up-dates: Julie M. asked board members to sign the well regulations that were adopted 5/22/13.

Board agreed to board meetings twice a month, second Wednesday of each month at 10:00 A.M. and fourth Wednesday of each month at 7:00 P.M.

Minutes: A motion to accept the minutes of the May 22nd meeting was made by Armand White. Seconded by Ron Marlborough. Vote unanimous.

A motion to accept the minutes of the May 24th meeting was made by Ron Marlborough. Seconded by Armand White. Vote unanimous.

Vouchers to be signed: Vouchers were signed by those present

Health Agent Report:

251 Riverlin Street - Julie V. reported 21 roosters have been expired and 12 more to be expired on 6/10/13. She noticed a reduction in noise. She recommended another site visit with the board attending and then ask owner what her plan of action is. Mr. Noe LeBeau stated to Julie there has been no noise reduction with the 21 roosters expired. He feels nothing has improved, however, he does appreciate the initiative the board has taken. The

owner, Wendy, has full control over which roosters are kept, which could be the loudest. Wendy plans on keeping 14 roosters.

Mr. Noe LeBeau again stated there is no noise reduction. Crowing is waking him up at 3:30 A.M.

Armand stated it may be a slow process to resolve. Armand and Jim asked regarding keeping them in the pen at night for less noise. Julie V. stated Wendy cannot keep them in a pen with warm weather. Jim stated they will watch closely after the next expiration date. Julie V. has been in touch with the state poultry supervisor who inspects the property at 251 Riverlin St. She stated there is nothing they can do. Jim stated after next weekend, Julie V. will revisit the farm, find out how many have been expired then the board can schedule a meeting at the farm. Mr. LeBeau will also be notified.

Julie V. and Kerry Clark completed a food inspection at the Senior Center. Julie V. requested another inspector go with her to avoid a conflict. Kerry stated they based everything on factual findings. They found non critical violations, outdated relish, mayonnaise, etc. When going over the report with Judy O'Connor, Judy threatened harassment, stating she would report the inspectors to the Town Manager and the Board of Selectmen. Kerry stated after leaving the Senior Center, they met with Bob Spain, Town Manager. Terry also submitted a report to the Board of Health members stating his findings. Jim Morin stated the inspectors should be treated with respect, they are doing their job. After discussion, the board decided to send a letter for reprimand to Bob Spain. Jim and Armand requested Bob Spain to enter into the discussion, which he did, stating he would investigate any complaint regarding a town employee acting inappropriately and take any action thereof. Jim asked Julie M. to prepare the letter to Bob Spain.

12 Draper Road – Julie V. has tried to serve a violation ticket with police escort, no one home. She will keep trying. Starting with \$100.00 ticket, followed daily by another \$100.00 ticket for each day the trash is not cleaned up. The board agreed.

55 Beach Street – Jim mentioned the clean up, Julie V. plans to close the case in one month. More vehicles leaving, Bob Blackman will handle that. Mr. Black plans to add another garage, as he is doing more scrap metal.

Kerry and Julie V. discussed the standardization forms. She would like them implemented as soon as possible. Jim stated waiting for revisions. Armand stated these forms were presented previously, however, Armand tabled until a full board was present. Discussion was held regarding town seal being in red along with the alliance seal, and clarification of titles. Kerry will work with Steve Ward to revise the forms.

Mobile Ice Cream Vendors: Julie V. inspected Juniper Farms in Leicester. Their employees have gone to their local police department for background checks which they will forward to Millbury. She continues to work with the new form for mobile plan review.

Karen Johnson presented the board with a flyer for the Central Mass Regional Public Health Alliance so more people in town will be aware of what the alliance actually does. She asked

Bob Spain to post it on the town web site. The logo will be on all health promotion information. Nicole Valentine (public relations) does all the publications. Karen asked what happens when these informational pages are sent. Julie M. stated they are put on the web. Karen would like to see small stacks placed at strategic locations throughout town. It was decided Julie V. will distribute the flyers throughout town. Karen stated they have 13 interns for the summer who will promote the Community Health Improvement Plan. The plan is to saturate the town with the interns at local public events. Wants to make a presence all summer long. Also wants a wellness committee in every town. This would include community members, someone from the Board of Health, the Police Dept., Schools, all the sectors of government. The monies come from grants, plenty available. She is looking for a list of events for the town. The board updated her on bicentennial events, which Ron is event coordinator for the Lions Club and the Bicentennial Committee. The board also updated her on the concerts, Cindy Burr is the initiative coordinator. The board will supply Cindy's contact information to Karen.

Karen stated they have been unsuccessful reaching out to Susan Hitchcock regarding the Regional Health Survey. She has not returned calls or responded to a letter. Armand will contact her to suggest she work with the alliance on the survey.

Karen and Derek met with the Police Chief. They updated the Chief on the CHIP's program, drug abuse, tobacco stings, possible in-service for his officers, injury prevention, mobile safety truck. She stated the prescription drug box at the Police Station, she saw a sharps container. The public have been dropping them with their prescription drugs. The chief would like the sharps kiosk to be located at the Police Station. The board stated, no, many people would not go around back, there is no signage of where the Police Dept. is located. Public would want to use the front door, plus that is where they may be doing other business. Karen will look into obtaining a 2nd kiosk. Board discussed a sharps pick up would be made from the Police Dept. as soon as our kiosk is delivered. Once kiosk is painted it will be delivered, Karen already has the signage.

Kerry is working on the 24/7 HAN list. He would like to see a member from the Board on the list.

Kerry related to the recent mini heat wave. He would Julie V. to reach out to the cooling centers to offer support. The alliance can help stay engaged with that. Kerry also sent info on summer safety, staying hydrated, etc. to Board of Health.

Old Business:

Outdoor Wood Burning Regulation – Armand recommended adopting the state regulation, however, he wanted the full board present. Armand made a motion to adopt the state regulation. Ron seconded. Vote unanimous.

Donation Bins: (tabled)

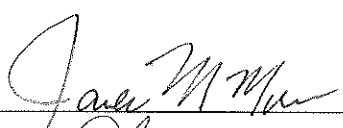
Recycling regulation (tabled)

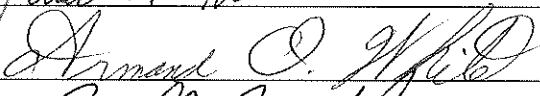
Next meeting July 10th at 7:00 P.M.

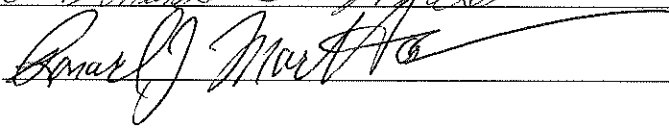
A motion to adjourn at 11:30 A.M. was made by Armand white. Seconded by Ron Marlborough. Vote unanimous.

Other Business:

Minutes approved:

James M. Morin: 

Armand O. White: 

Ronald J. Marlborough: 

OUTDOOR WOOD BURNING BOILER REGULATIONS

SECTION 1. FINDINGS AND PURPOSE

Whereas, conclusive evidence exists that wood-burning boilers emit particulate matter, carbon monoxide and other pollutants known to be detrimental to the health of the public; exposure to these pollutants can cause short-term health harms such as eye, nose throat and lung irritation, coughing as well as shortness of breath; and long term exposure to these pollutants can cause asthma, heart and lung disease as well as cancer; and

Whereas, outdoor wood burning boilers have been shown, because of their design to emit high quantities of particulate matter and other noxious fumes; and

Whereas, poor management and poor fuel exacerbate the effects of the smoke created by the firing of these units; and

Whereas, emissions from outdoor wood burning boilers are not currently regulated by State or Federal Standards;

The Town of Millbury Board of Health pursuant to section 31 and 31C of chapter 111 of the Massachusetts General laws, hereby adopt the following regulations to protect the public health of the community. There regulations shall take effect **JUNE 12, 2013**.

SECTION 2. DEFINITIONS

Outdoor Wood Burning Boiler: A wood fired boiler, surrounded by a water jacket, in a freestanding structure with a smoke stack used to heat water that is carried by piping to provide heat and/or hot water to a building.

Wood Fuel: All wood intended to be used as fuel, including but not limited to trees, cordwood, logs, lumber, sawdust and wood from manufacturing processes (butt offs, shavings turnings, sander dust) wood pellets, slabs, bark, chips and waste pellets. This definition does not include materials chemically treated with any preservative, paint or oil, moisture content not to exceed 17%. Wood that has been cut a year and dried at least six (6) months, with a moisture content not to exceed 17%.

SECTION 3. REQUIREMENTS

- A.** A permit is required from the Board of Health to operate an existing outdoor wood burning boiler after November 14, 2007 (effective date of this regulation). Outdoor wood burning Boilers installed before the effective date of these regulations must apply for a permit to the Board of Health within sixty (60) days of the effective date. The permit process shall include submission of a written application form.

- B.** The use of an existing outdoor wood burning boiler shall conform to the following conditions:
 - 1. Boiler shall be located a minimum of 50 feet from the house serviced by the outdoor wood burning boiler.
 - 2. Boiler stack shall be located a minimum of 200 feet including the setbacks from any abutters property line not serviced by the wood burning boiler.
 - 3. The chimney height of the outdoor wood burning boiler shall exceed the height of 3 feet the roof peaks of all buildings within 200 feet of the boiler, and the chimney shall be equipped with a properly functioning spark arrester system
 - 4. Only untreated wood fuel with a moisture content of less than 17% may be burned in the boiler
 - 5. Manufacturers recommendation for the installation and use of the unit must be followed.

SECTION 4 PROHIBITIONS

It shall be illegal in the Town of Millbury for any person to:

- 1. Install any outdoor wood burning boiler after the effective date of these regulations.
- 2. Cause, suffer, allow, or permit the operation of any existing outdoor wood burning boiler between May 15 and October 01, both inclusive.
- 3. Cause, suffer, allow, or permit the operation of an existing outdoor wood burning boiler in any manner contrary to the manufacturers operation procedures.
- 4. Cause, suffer, allow, or permit the operation of an existing outdoor wood burning boiler in any manner that causes public nuisance or a public health risk.
- 5. Cause, suffer, allow, or permit the burning of treated woods, trash, garbage, biological waste, or any other waste or otherwise use an outdoor wood burning boiler as a incinerator.

SECTION 5. SEVERABILITY

If any provision of these regulations is declared invalid or unenforceable, the other provisions shall not be effected, but shall continue in full force and effect.

SECTION 6. ENFORCEMENT

1. If an inspection or examination reveals that an outdoor wood burning boiler is installed or operated in a manner that is not compliant with these regulations the Board of Health or their agent shall issue an order to cease operation of the outdoor wood burning boiler until it has been restored to compliance.
2. If an inspection or examination determines that an outdoor wood burning boiler is operated in an manner that constitutes a nuisance or cause of filth or sickness in accordance with Massachusetts General Laws C.111, the Board of Health or their agent shall issue an order to cease operation of the outdoor wood burning boiler.

SECTION 6. VARIANCE

The Board of Health may vary any provisions of these regulations with respect to any particular cause, when in its opinion:

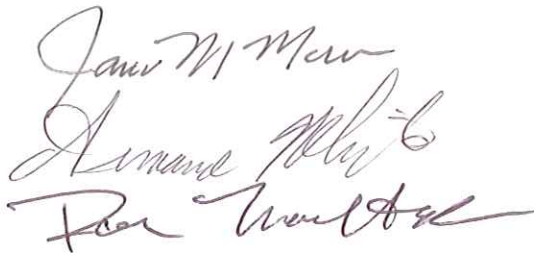
1. The enforcement thereof would do manifest injustice, and
2. The applicant has proved that the same degree of protection can be achieved without strict application of the particular provision.

All variances shall be considered at a hearing by the Board of Health.

SECTION 7. PENALTIES

Any violation of these regulations shall be punished as described in Massachusetts General Laws Chapter 111, section 31C. Any person who fails to comply with any order issued pursuant to these regulations may:

1. Be ordered to cease operation of the outdoor wood burning boiler, or
2. Be fined up to \$300.00, at the discretion of the Board of Health or Health Agent. Each day of violation shall constitute a separate offense, or
3. Be penalized by complaint brought in Worcester County Housing Court, District Court, or any other court of competent jurisdiction.



Three handwritten signatures in cursive script, likely representing the Board of Health or Health Agent.