

BOARD OF HEALTH MINUTES  
NOVEMBER 4, 2015

The meeting was called to order at 7:00 p.m. Present were Thomas Klem (TK), Chair, members Cynthia C. Hill (CH), John G. Schuler (JS), M. D. Elizabeth Brewer (EB), M.D. and Michael Wegerbauer. Also present were Julia Junghanns (JJ), Director of Public Health and Patti White, Department Assistant.

7:00 p.m. Public Comment

Linda Segal- 9 Aqueduct Rd. –Speaking for herself. Providing information as to where the packet of information we are reviewing was obtained. At the meeting on 10/22 when COA advisory had their forum with guest, Ben Gould, LSP, LEP of CMG Environmental Inc. Ms. Segal asked a question and it was proposed to the guest, and he was instructed not to respond, so she did a public records request and received the packet that has been provided to the board, it was put in the e- packet as a separate item titled “received from Linda Segal”.

7:00 p.m. Review and Discuss reports from CMG Environmental, Inc. and other information regarding Municipal Parcel at Town Center- Guests- Facilities Director, Ben Keefe, and Ben Gould, LSP, LEP of CMG Environmental Inc.

TK: This discussion is regarding the data collected: historical testing and recent testing that has been done, by CMG at the Municipal Parcel at town Center. There was an opinion by Conservation Commission that additional testing should be done.

JJ: this meeting is for the Board to ask questions to Mr. Gould and Mr. Keefe to have a better understanding of what has been done up to now.

JS: at the public meeting on October 22, 2015, there was discussion regarding the recent 8 samples that were taken on August 6, 2015. The depth of the samples was shown as being taken at a depth of 4”, I had asked why deeper samples were not taken- BG felt the samples were taken deep enough as PCBs will stick to organic matter and will not go deeper into the ground. A second proposal was brought forward, because of an email with questions from Andy Irwin dated 08/27/15, in which he suggested that the ground was disturbed during the construction of the current building and that deeper levels should be examined/tested.

TK: the samples were taken before 1978 and the state requirements have changed regarding the levels of concern. There are also questions regarding when the soil was disturbed in order to understand and consider (dates when distributed- prior or post 78) when the chemical was distributed prior or post 1978.

BG: I was retained by the Town of Wayland to oversee the original clean up at the Former Raytheon site (now the town center), and I’m now being retained by the Town regarding the new Municipal parcel.

1978 was an important date, changes in the toxic levels (reporting requirements) from the State were changed.

BG: I have brought figures and tables from work done so far. Figure-3- green area is the current municipal parcel—gray shading former Raytheon parking lot (site of present Town Center buildings) and the black outline inside the green shading is the location of the previous Raytheon buildings #12 and #21 (the concrete slab foundations which still remain) that were renovated and replaced by current building on the site, presently referred to as the Daycare Building (shown in Figure 5) which was the purpose Raytheon constructed it, but it has never actually been used or occupied.

There is sample data from various areas on the parcel from the past, and there were tests done specifically around the existing building, taken around the time they were renovating for the daycare building (2000) Monitoring wells #9 installed in 1996, which has vanished and well #41, installed in 1998 which has been removed.

The map (figure # 5) of the current layout showing just the daycare building and a few of the new building (current buildings at Town Center). Additional monitoring wells have been placed on the outlying edge, that were being studied by ERM to follow groundwater plumes along with “fringe wells.”

Another map (Figure #5) Haley & Aldrich (H&A) did additional testing, as part of the Phase 1 environmental testing for the Town Center project. In 13 spots (all shallow) had 8 samples tested for Polychlorinated Biphenyls (PCBs) and 3 had detection for PCBs, one stood out when H&A collected it, but it was below DEP standard, the collected sample was 1.25 ppm and the DEP standard at the time was 2ppm. Samples were taken later and retested around again area, but not PCBs for Petroleum. In 2008 the State dropped the PCBs standards from 2ppm to 1ppm, so now the earlier PCBs tests were of interest.

H & A found PCBs at 1.25 ppm at the test sample labeled SS6 next to building. When taking the new samples Mr. Gould wanted to see if those same results from the H & A testing could be reproduced? The original plan was to take 4 samples to see what is there, but the COA Advisory board wanted to test another area (outdoor rec area) so they expanded testing to 8 samples, 4 by existing building and 4 by possible outdoor recreation area. All 8 samples were just tested for PCBs, and the results showed wide spread low levels in all 8 (below 1) Highest test was 0.22, much lower than the H & A samples. Raytheon had many large transformers on the property, it was not known if there were transformers in the area of the (daycare) building. Some of the equipment they worked on also had components that contained PCBs.

TK: I did not see a pattern or trend? BG there are absolutely low levels of PCBs on the site, I am not sure why or how or what they came from.

JS: all you can do with the data you have now is guess? Can you get better data to not guess why there are there? BG: We could get better data and refine our guesses. You would need to come up with a hypothesis to be tested as to why it is present; there could be more information with more testing. JS: if you went out in the back yard of a residence, and tested would you find PCBs? BG: absolutely not, they are not naturally occurring, completely synthetic and wide spread use in industry that ended in the 1980's.

1978 U.S. stopped manufacturing PCB's, the EPA said by 1980 no new transformers will be constructed containing PCBs, companies were allowed to keep transformers containing PCB's and those transformers can continue to be used as long as they are functioning properly (there are still PCBs containing transformers in use today). PCBs were also found in Hydraulic fluids and brake fluids. Transformers are largest product containing PCBs, and transformers were used by Raytheon on the property. (PCB's can be found where there were transformers used or where there was an oil spill source where they took in transformer oil. As of 1978 a release of PCBs (TSCA regulations – Federal Toxic Substance Control Act- administered by EPA) from a source containing greater than 50 ppm of PCBs, The Federal Government required you test for PCBs, tells you how to do the testing, how to clean up the spill and how to be sure it was all cleaned up properly. These were called “Self-Implementing Rules” (also known as sub part O) which allowed companies to follow the guidelines, just clean up the site and often there was no need for notification of the spill or the clean-up., they were just required to keep the records of what was done.

Accidental releases of PCBs before 1978, companies were not subject to the “Self-Implementing Rules “ if your source of the release was over 50ppm, then it was required to be reported as a TSCA event regardless of whether it was before or after 1978.

Example of what constitutes a TSCA: A transformer contains 300ppm fluid containing PCBs, if it leaks, you may only get 3ppm on ground but if the original source is over 50ppm (the transformer contained 300 ppm) you already have a TSCA release based on the size of the source.

CMG could not replicate the H & A results, they were not able to replicate the same levels (over 1 ppm), which now raises the question- “what is the source of these wide spread PCBs and is there another location on the

Raytheon Property that qualifies as a TSCA source. In Massachusetts if the quantity is less than 1ppm it is not a health issue (risk level for soils with lower than 1ppm is not considered a health issue).

EB: we don't know what was located at the site?

BG: ERM did an Inventory in 1996 regarding the decommissioning the property. They did an inventory of the contents of the buildings. The out buildings #12 & #21 were used as Radar Test Facility (where daycare is) separated from the main building. They did not find documentation of use of chemicals in the building. In 96 when they were looking to open the daycare center, they hired H & A to do additional testing.

JS: was there a PCBs cleanup done on the property? BG: yes, additional map, (PCB Iso-contours) rectangle (Hamlin parcel) color blob in middle- Area of Readily Apparent Harm- In 2003, as part of inventory work, ERM checked the wetland and found the vegetation was stunted (area of readily apparent harm), they tested sediment, found PCBs, petroleum and metals .

JG: location? Distance from the wetlands? BG: 200 feet from wetland to Hamlin parcel

BG: The Orange area on Map is the Area of Readily Apparent Harm, the wetlands were remapped to include the yellow area, as having stunted growth, but not to the level of the orange area. The identified area was dug out 2 to 2.5 feet of sediment, for a total of 1 to 1.5 acres of sediment which was disposed of (registered disposal) out of state. ERM did the remediation but Raytheon paid for the work to be done. State and wetland regulations for clean-up vary. The wetlands have been restored and signed off by the Conservation Commission, that problem does not "exist". There is a deed restriction to notify future owners, that there was "a risk based clean-up" done on the property.

Tk: prior testing that showed 2 ppm, was/has work been done to try and identify equipment that was on the site? Was there no definitive source of over 50 ppm on the area?

BG: highest concentration was over 100 ppm near where the discharge pipe from the former treatment plant. This was reported as Accidental inadvertent discharge from the Wastewater Treatment Plant. This was a TSCA cleanup, as the discharge was over 100ppm, which is over 50ppm so it is automatically TSCA.

BG: does not believe there is now a TSCA source, on the current parcel. Ben has now come up with two plans in response to A. Irwin email.

CH: who was the person who decided to dig the 4" samples? BG: I was trying to replicate the H & A findings from the ERM testing in 2000.

BG: on the Raytheon property as a whole there were samples over 100 ppm, but on the Municipal Parcel in question the highest level was 1.25 ppm. Another reason for the 4" testing, when PCBs contact soil they just bind to the material (organic) as in the wetlands, it binds faster, they don't migrate, they don't sink down, they pretty much stay where they are deposited.

BG: In the past, waste oil was sprayed on the ground for weed control and if they used waste oil from the transformers that might explain the widespread low level PCBs in that location.

CH: when they found the PCBs at 2.5' (in the wetlands) why was that not on the surface? BG: If it was a heavy concentration ( they are mixed in with an oil or other substance) the weight might have caused it to go deeper. It may have been moved around. The year they were working on the clean-up there was a barrier put in place to keep the water out of the area, but then the river flooded, overfilled the area, and then froze. These conditions now can allow for the frozen wetlands organic matter to be floated on the water below which can change the location of the PCBs along with the organic matter. If there was work done on the soil, and the PCBs were dug down to 4', the PCBs will stick to organic matter and it will continue to stick and move with the organic matter. The 100ppm concentration was found on the surface of the wetlands, near the outflow pipe

from the Wastewater Treatment Plant, this area was where they found the PCBs at a level of 2 feet below the ground.

MW: when was the parking lot paved? BG: every photo since 1956 has shown that area as paved, approximately 20 acres of paved area. MW: is there risk under the pavement? BG: the pavement was worn and patched, when town center was built, (2011) the pavement was dug up, removed and the area was graded.

TK: Andy Irwin in his letter, talked about the “sum of the all the PCBs at the test sites”, can you explain this? BG: more than one type (200) types of PCB’s, Monsanto was primary manufacturer of PCBs, the product was a multi-grade product called Aroclor which was produced for temperature grades (8 grades with 4 digit identification numbers (larger transformers) . If there were more than one type (different grades of Aroclor) of PCBs in a test hole, all those numbers would be averaged for that one test hole. H & A found several levels of Aroclor in their highest reading sample, and they added the total of the different grades of PCP and the total was of just the types found in that sample. We only detected one grade of Aroclor in the samples we took when we were trying to replicate the H & S readings.

JS: what do you think of Andy Irwin’s suggestions? BG: It is quite conservative and not wrong, EPA says if you do not know when it was from, what the source was, the EPA says you need to conservatively assume it was after 78 and came from a TSCA source. EPA has been challenged in court on this position.

JG: if you were a business man planning to purchase the property with these results, and would be liable to clean up the site, would you want more information, as Mr. Irwin has suggested?

BG: Reference Figure 5- Sampling Locations- We mapped an overlay with a sub part O sampling grid (1710 grid squares) at each square take a 5 point composite sample to submit for analysis, this is an enormous amount of samples. This is what would have to be done if we were cleaning a TSCA source, no one is suggesting this is a TSCA source, EPA is not suggesting this is a TSCA source.

BG: The state says with PCBs below 1ppm reasonably protective for human health under use scenario. However, EPA says if you have more than 1ppm in soil, there is a chance of a TSCA release.

BG: the highest number that came from the testing this year was 0.22, which is way below the 1ppm.

JG: if more sampling was to be done how long would it take to get results- BG: it would take about a month total to plan, draw samples, the lab work, for it to be diagnosed and a report written.

JJ: The warrant article for Town meeting (next Monday) there will be a vote to purchase the land for \$1.

TK: The Board thanks you for your time and explanations for all our questions.

CH: do we purchase the liability for what is there with the land? JJ: I believe someone in attendance this evening may be able to answer this question.

Bill Sterling(BS) : COA/Community Advisory Committee

The proposal on town meeting floor is to authorize the Board of Selectmen to acquire the property. A purchase is usually contingent on the results of testing to be done (asbestos, lead, radon). Language has been added to Include PCBs Warrant language says that it would be subject and contingent on the testing to be done.

JS: acquisition or lease? BS: depends on the sellers position, and the negotiation of either lease or purchase.

If there is a lease considered, the liability question goes away, the owner of the property is responsible for the cleanup. Leasing is the best protection for the town. The selectmen are working on the liability language.

LS: the motion that will be made under the article, the language was discussed later in the meeting, but the revised motion has not been posted on the website. We don't know what those words will be.

BS: the language has been crafted but is being reviewed by the Attorneys.

**MW: motion that BOH recommend the additional testing proposed on the 8/31/15 or final proposal (as submitted by CMG Environmental) prior to the acquisition of the property ( and /or lease). And any remediation as recommended as a result of the study. Second TK: vote 5-0 all in favor.**

JS: we are reviewing this as a health issue if there are PCBs on the property, if we acquire the property, we need to be sure that testing and remediation is done. BS: also language regarding testing and remediation at no cost to the Town.

TK: is that your opinion, that a P & S be signed before testing? BS: Speaking for himself, usually the P & S is signed and then the testing is done, The Board has not voted on this yet.

EB: In looking at all this is there a health issue regarding the condos on the town center property? Re: cleanup? JJ: there has been a significant amount of testing, study, and cleanup on the site when the site was preparing for development. MW: maybe have some research done into records regarding cleanup/investigation. JJ: I do recall we have information, I will look into our records/files and pull out the information we have on the area where the condos are located.

LS: Recalls that there was a document generated by an LSP for River Trail condo's (Brendan homes) a realtor would be required to disclose the info regarding cleanup and abutting property.

JJ: yes, I do recall this information I will find the letter from the LSP.

8:15 p.m. **Review and Approve of Draft FY17 BOH Operating Budget**

Mark Kline (MC) is here from HRS (Human Relations Services) to answer any questions, the HRS line item (School Mental Health Services) is not requesting a change in their fees this year.

MC: I am the Clinical Director, I am better to answer service based questions; Dr. Rob Evans is the Executive Director and is the "numbers person".

CH: in reading info regarding treating of residents- - 843 service hours. Are these Families of children MK: 843 total clinical service hours for Wayland Residents for FY15. CH: Are those just families of children you treat? How do others get referrals to your facility? MK: any resident of Wayland is eligible to receive counseling, whether or not they have insurance or other financial hardship. Part of the funds received from the BOH is for servicing persons who cannot fully afford our services. Primary source of persons referred is by schools, HRS is most widely known as a child and family clinic. Pediatricians (Weston pediatric) or other healthcare offices can refer and persons in treatment can refer other families. HRS is also well known to most of the religious groups in the area, and they often refer. CH: who at schools refers patients? MK: guidance counselors, special educator, principals, possibly then school nurse. JS: do you diagnose? MK: no we do not diagnose, the school decides who would have a SPED plan and HRS services the emotional/behavioral component of ED plan. JS: are the numbers fairly constant from year to year? MK: The past few years are mostly constant, but prior to that, in the past 5-10 years, the numbers are trending up and we have been swamped. My perspective is that there appears to be more family stress. We are seeing more severe/persistent anxiety, more children presenting within the Autism spectrum, students at younger ages with more severe anxiety and mood disorders, service hours over the past 5 to 10 years are up dramatically. HRS works very hard to provide the necessary service, anyone who calls is interviewed within 24 hours, and if for any reason, they cannot be helped through HRS, they have multiple other resources to recommend.

TK: Dr. Klein, thank you very much for your time and helping to answer our questions.

JJ: I created several excel spreadsheets to aid the BoH in review of the budget-

Salary draft budget- increases based on contracts settled on second year, so the first year increase and second year increase are in the second year salaries. The Health agent salary range was adjusted through the contract negotiations and was increased by grade and salary amount. There is one unsettled contract that will be having increases paid out.

School redistricting reopened the Loker school full time, the nurse for that school is now being paid at a full time rate by BOH, previously the salary was paid by BOH and school when Loker was just a ½ day kindergarten with paid extended day.

TK: retroactive payments are lump sum payments at time of settlement? JJ: contract settlement dollars are being paid out of the FY16 salary budget, HR/payroll handles the payment process for the funds owed.

Discussion regarding increase in Admin hours and/or an added position:

JS: at what number of work hours does an employee get benefits? JJ: over 19 hours

JJ: The first step would be to get more hours for another administrative assistant, the board would be discussing the additional hours, and then the request would go to the Personnel Board, then the Finance Committee.

CH: Regarding the request for more administrative hours: I think the board needs to discuss whether there should be a full time assistant or a part time assistant, which makes more sense for the department.

MW: this is too big a topic to decide tonight. CH: we discussed previously that these types of decisions should not be made the same night as the discussion, we need time to think it through.

TK: let's take the additional 19 hours out of the proposed budget and add as discussion item for our next meeting. More discussion is needed.

JJ: It was really meant to be a discussion, not presented to BoH as part of this FY17 budget and shouldn't have been included in the budget presented to BoH.

MW: looking at non salary budget- I agree with the reduction of the floor drain line item

JS: Health nuisance: what is this for and where did \$5000 go? JJ: The line item was \$15, 000 in FY 15, but last year the Finance committee asked for the budget line item to be reduced and it was modified to \$7,500.00. A transfer of \$2,500 was made to Professional Services to pay for help while the Health agent position was vacant (however it was not used).

MW: do you feel \$7,500 is still valid? JJ: yes I would like to keep this line the same amount

JJ: The Town just purchased a new vehicle for the Motor Pool; it will be assigned to the Health Department. We still have two town cars; we need to decide which car we are keeping and which one goes to the town carpool. We need to get the cars inspected and find out what is wrong with the vehicles. We have funds to maintain them. We have not made any changes to the vehicle repair line item, as we do not know if we will continue paying for the repairs for the new vehicle? Or as part of the motor pool is the new vehicle maintained by the town?

**TK: motion to approve the fy17 draft as amended to remove line item 31 on the salary budget (New admin. assistant position) second CH: vote 5-0 all in favor.**

**9:00 p.m. Annual report-**

MW: the septic permit numbers were down? JJ: yes but Certificate of Compliances (C of C) were up, the C of C's reflect the actual work that has been completed (septic installations), often work/installation is delayed and appears in the numbers for the following Fiscal Year, MW: why are animal inspection numbers down?. JJ: When a property is sold, the Animal keeping permit is not transferred with the sale, the new owners need to apply and come before the Board.

EB: HRS clinical hours to students have gone down, but consultations to staff have doubled; the numbers seem to be out of proportion regarding the staff consultations? JJ: I can provide you with a copy of the summary report included with last year's budget, it had more in-depth information. I will ask the HRS staff about this question and see if they can provide us with an explanation.

MW: quote from Fy15 annual report regarding the 84 hours to staff what was this increase about?

MW: has left meeting

**9:20 p.m. Minutes of February 3, 2015, August 26, 2015, September 9, 2015 and September 30, 2015**

**TK: motion to accept the minutes of 2/3/15, 8/26/15, 9/9/15 and 9/30/15 as amended; Second CH; vote all 4-0**

**The bills have been paid.**

CH: info in paper re child assaulted by another child going to court now, Why is it the Director of the Health Department did not know about that?. JJ: believes this happened back in the 90's, I do not know what the confidentiality issues were at the time. JJ: reporting processes have changed regarding the reporting of these kinds of situations, that would be through the WPD. JS: that is really not a public health issue. EB: I agree with John, that there is mandated reporting to be done.

**9:25 p.m. Motion to adjourn, second JS: vote 4-0 all in favor**

**Respectfully submitted**

**Patti White**

**Department Assistant**

**110415minutes**

**APPROVED 02032016**