

MEETING MINUTES
Approved
December 17, 2007
Town Hall, Groton, Massachusetts 01450

Board of Health Members Present:

Jason Weber, Chairman (arrived at 7:40pm); Dr. Susan Horowitz; Robert Hanninen

Others Present:

Debra Butcher; Ira Grossman, R.S.

Meeting Called to Order:

In the absence of the Chairman, Member Hanninen called the meeting to order at 7:30pm.

Bills Approved/Signed:

- *Ayer Auto Parts-\$317.77
- *Dennis K. Burke-\$176.59
- *Dennis K. Burke-\$216.14
- *Chelmsford Electric-\$199.00
- *Poland Springs-\$9.44
- *Levine Fricke-\$1500.00
- *Airgas-\$53.08
- *Moore's-\$139.47
- *Covanta-\$6377.06
- *E.L. Harvey & Sons-\$5703.39
- *Moison Ace Hardware-\$41.22
- *Advance Security Systems-\$18.33
- *Complete Recycling Solutions-\$120.40

Septic Permits Approved/Signed:

- *Quail Ridge Road, Lot 4A; Fox Meadow Realty Corp.
- *Quail Ridge Road, Lot 6; Fox Meadow Realty Corp.

Minutes:

The minutes of November 5, 2007 were approved as amended. No action was taken on the minutes of November 19, 2007 and December 3, 2007.

6 Redskin Trail The homeowner did not attend the hearing.

For the record, Chairman Jason Weber recused himself from the discussion.

Health Agent Ira Grossman reported that all code violations listed in his order letter, dated September 21, 2007, have not been resolved nor has the homeowner submitted a soil testing application to repair his sewage disposal system. Mr. Grossman stated that the tenant has moved out as of December 1, 2007 and that the house must remain unoccupied until the violations are corrected and the house brought into compliance. Mr.

Grossman stated that the homeowner stated to him that he didn't have the funds to correct the violations.

The Board requested that the Board of Assessors is notified on violations.

The Board requested that Debra Butcher contact the Groton Electric Light Department and check electricity records for usage. Member Horowitz stated that the Board needed to know current activity but that she didn't want to take this to the "next level". Ira suggested that the Board make the lending institution aware of the situation and made a motion to send a copy of the original order letter to them. The motion was seconded by Member Hanninen.

VOTE: Member Hanninen-Aye; Member Horowitz-Aye.

Country Farm – Tobacco Sale to Minor Violation Present: Chris Patel, Jay Patel

Chairman Weber reported that a tobacco compliance check was conducted on November 9, 2007 and a sale was made to a 17 year old male. He felt that this was a serious issue because teen smoking has been increasing recently.

Member Horowitz questioned whether Country Farm was utilizing the "We Card" program and checking identifications. Mr. Patel stated that the use the program but that it was an unfortunate mistake and apologized to the Board.

Health Agent Ira Grossman reported that the Board's regulations state that a first offense calls for a \$100 fine and a (1) day suspension of their permit to sell tobacco products. Mr. Grossman felt that the suspension should be waived because this was their first ever violation of the Town regulations but Country Farm should be required to pay the fine.

Member Horowitz questioned whether the employees are aware of the town's regulations and the need to check identifications. Mr. Patel stated "yes". Member Hanninen stated that he agrees with Mr. Grossman.

Chairman Weber made a motion to waive the (1) day suspension and apply the \$100 fine. The motion was seconded by Member Hanninen.

VOTE: Member Horowitz-Aye; Member Hanninen-Aye; Chairman Weber-Aye.

Mr. Mike's Mobile – Tobacco Sale to Minor Violation There were no representatives from Mr. Mike's Mobile present.

Chairman Weber felt that due to the history of violations for tobacco sales to minors, it would be appropriate to enforce the (1) day suspension and \$100 fine. The other Board members agreed.

Member Hanninen made a motion to suspend their tobacco permit for (1) business day (Monday, December 24, 2007 from 6am-10pm) and issue the \$100 fine. The motion was seconded by Member Horowitz.

VOTE: Member Horowitz-Aye; Chairman Weber-Aye; Member Hanninen-Aye.

Public Hearing – Outdoor Wood Fire Furnace Burning Regulations Present: See attached.

The public hearing was continued from December 3, 2007.

Chairman Weber opened his comments by saying that he found some discrepancies between the manufacturers of the furnace and government agencies and wanted to continue investigating an ongoing dispute between them to get some consensus on distances.

Resident Michael McElroy submitted model regulations by the Northeast States for Coordinated Air Use Management (NESCAUM) that were more stringent than what the Board was proposing. He suggested that the Board incorporate some of their language regarding furnace emissions and particles from the emissions.

Member Hanninen felt that all would agree that breathing smoke was not good for people and that the Board's regulations were for those neighbors of residences who had outdoor furnaces.

Member Horowitz stated that she wanted abutter notices to be incorporated into the document by certified mail. She stated that this was a health hazard and notices should be sent out to abutters. She said that the Board currently has abutter notice requirements for both septic and well variance hearings. Member Hanninen agreed and made a motion to amend Section 9.1 to include a certified list of abutters from the Board of Assessors to include abutters and their direct abutters with notification by certified mail, return receipt. The motion was seconded by Member Horowitz.

VOTE: Chairman Weber-Aye; Member Horowitz-Aye; Member Hanninen-Aye.

Discussion continued on the requirements for stack heights. Health Agent Ira Grossman stated that from research he has done, the numbers were "all over the place" in terms of height. Member Horowitz felt that the Board may never get a perfect number and that the Board should move forward anyway.

The Board voted unanimously to adopt the following requirements:

Section 8.4 - The outdoor wood fired furnace shall be located at least 500 feet from the nearest building which is not on the same property as the outdoor wood fired furnace.

Section 8.6 – The outdoor wood fired furnace shall have a chimney that extends at least two feet higher than the peak of the residence served. If there are any residences or occupied buildings within 300 feet, the chimney shall also extend at least five feet above the height of the roof of all such residences. The Board of Health may approve a lesser height on a case-by-case basis if necessary to comply with the manufacturer's recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors.

Section 8.10 – Any outdoor wood fired furnace shall be a minimum of 25 feet from any side and rear property lines.

Resident Michael McElroy questioned whether it would be helpful if representatives from NESCAUM and EPA met with them. Member Horowitz stated that she didn't think that was necessary.

Chairman Weber questioned what the next step would be for the Board. Member Hanninen stated that the Board should move forward with the base document and revisit the document at a future date. Member Horowitz agreed and suggested that the Board revisit them in one year.

Discussion followed regarding Section 9.4 on units that are already in existence. The Board agreed that units that are in existence prior to the adoption of the regulations shall be exempt from these regulations, however, units that must be replaced or modified shall be required to meet all current regulations. Discussion continued regarding a property transfer where the Board agreed that all units must meet current regulations as well.

Resident Camilla Blackman stated that she was surprised that the furnaces did not have stricter regulations as those for wood stoves that required catalytic converters.

Resident Arthur Blackman urged the Board to protect air pollution resulting from these furnaces. He stated that he suffers from breathing issues and asked the Board to take actions to protect him.

Resident Nancy MacGregor objected to the level of input allowed by the Board of Health to Mr. McElroy in support of strict regulations. She stated that she and her husband were not allowed to provide input and that they were only allowed to work with the Board's agent outside of the meeting. Mr. Grossman met with Mr. MacGregor and Brian Lagasse and modified the regulations from input from them.

Hearing no other comments from the audience, Member Hanninen made a motion to close the public hearing. Chairman Weber seconded the motion.

VOTE: Member Horowitz-Aye; Member Hanninen-Aye; Chairman Weber-Aye.

Member Hanninen made a motion to adopt the regulations with an effective date of December 17, 2007. The motion was seconded by Member Horowitz.

VOTE: Chairman Weber-Aye; Member Horowitz-Aye; Member Hanninen-Aye.

Member Horowitz made a motion to revisit the regulations in one year. The motion was seconded by Member Hanninen.

VOTE: Chairman Weber-Aye; Member Hanninen-Aye; Member Horowitz-Aye.

FY09 Budget: Present: Tessa David; Bruce Dubey; Finance Committee Representative Peter DiFranco

Mr. DiFranco thanked the Board for allowing him to meet to discuss FY09 budgets. He stated that departments were being asked to level fund or reduce their FY09 budgets. He recommended that the Board of Health level fund both Board of Health and Solid Waste budgets.

Mr. DiFranco commended both Debra Butcher and Bruce Dubey for the documentation provided to him on actual budget data. He stated that he appreciated working with departments who had back up documentation to forecast with. He said that the biggest expense with solid waste was the tipping fee figure. He told the Board that when he calculated tipping fees against prior year's data, he anticipated a 3% increase for FY09. He felt strongly that the \$155K budget line item would be appropriate again next fiscal year.

Mr. DiFranco also reviewed the capital plan and stated that solid waste currently has budgeted for a new pick up truck with a plow setup (estimated cost: \$30K). He recommended that the Board leave that in.

Recycling member Tessa David stated that she is proposing a 1% increase in the North Central Regional Solid Waste Cooperative from \$6600 to \$6850.

The Board supported the budget as presented.

Recycling Committee Present: Tessa David, Bruce Dubey

Ms. David reported that the Town of Groton has received two awards for their recycling efforts. She said that the town attained a greater than 50% recycling rate for 2006 by the Department of Environmental Protection and another award for the most recyclables per household. She stated that Groton was the only community in the Central Region to have a recycling rate greater than 50%.

The Board commended the Recycling Committee for their outstanding efforts and requested that the notice be sent to the town website and local newspapers.

The Board requested that a letter be sent to curbside haulers encouraging them to provide larger recycling bins to their customers.

Ms. David submitted her completed inspection report of the Groton Transfer Station that was ready to be sent to the Department of Environmental Protection. Chairman Weber signed the document on behalf of the Board.

Ms. David reported that a complete audit was conducted on the Moison Pay as You Throw account and reported that the balance owed was reduced to \$144. The Board requested that she send a letter to Moison Ace Hardware making them aware of this new balance. Ms. David stated that the Town Treasurer has been made aware of the new balance and would not pursue the matter further.

OTHER BUSINESS

2007 Town Report

Debra Butcher submitted a draft copy for the Board's approval. Member Hanninen suggested that more actual data is included in the report such as the number of permits issued, number of public hearings conducted, number of housing code violations addressed by the Board, statistics on tobacco control and beaver permit issuances and any other activity achieved during the year.

The Board supported the document with the additional information.

HEALTH AGENT UDPATE

Truax Property, Mill Street

Health Agent Ira Grossman requested approval to move forward on an order letter concerning the property located at 124 Mill Street. He reported that there are still many ongoing violations that have yet to be addressed by the homeowner, however, they involve other department's jurisdiction as well. The Board voted unanimously to approve the order letter and advising the homeowner that the Board would be discussing this at their meeting on January 7, 2008. The Board also requested to send a memorandum to

the other town departments involved requesting their input and notifying them of the meeting with the homeowner.

The meeting adjourned at 10:45pm.

GROTON BOARD OF HEALTH

Jason Weber, Chairman

Dr. Susan Horowitz

Robert Hanninen

Respectfully Submitted,
Debra A. Butcher