

BOARD OF HEALTH MEETING MINUTES
APRIL 27, 2021, 5:00P.M.
LOCATION: REMOTE

PRESENT: Chairperson Margie LaFleur, Member Renee D'Argento, Member Stephen Themelis, Health Agent Kalene Gendron, Interim Assistant Trish DeLorey; Town Administrator, Andrew MacLean, Devin Powell of Field Associates; Residents: Philip Durno, Deborah Fountain, Patrick Harrington, April Healey, Katherine Mackland-Rivera, Maude Matley, Patrick McPhillips and Margaret Scarsdale

Chairperson LaFleur opened the meeting at 5:00p.m. She announced that the meeting was remote participation only; meeting is being cablecast live and recorded by Pepperell Community Media. Ms. LaFleur announced that her term on the Board was over and that this was her last meeting as Chairperson of the Board of Health. She announced that she was passing the gavel to Renee D'Argento since she was the longest member on the Board; as Stephen Themelis is just joining the Board of Health as a member. Ms. LaFleur noted that when the Board fills their empty vacancy; the Board will at that time reorganize the Board of Health. Renee D'Argento accepted this role and became the organizer of the Go-to-Meeting; as Ms. LaFleur is now present as an attending resident of the town of Pepperell.

Renee D'Argento thanked Margie LaFleur for her service and hoped that Ms. LaFleur re-join the Board at a later date. Ms. D'Argento thanked the residents of Pepperell for their votes and also welcomed the newest member Stephen Themelis to the Board.

RE-ORGANIZATION OF THE BOARD:

Renee D'Argento made a motion to table the reorganization of the Board of Health until such time as a three member Board is present; motion was seconded by Stephen Themelis; it was voted all in favor to table the reorganization of the Board of Health.

Stephen Themelis made a motion that Renee D'Argento become Acting Chairperson to the Board of Health; motion was seconded by Renee D'Argento and it was voted all in favor to have Renee D'Argento serve as Acting Chairperson until the Board of Health is a full member Board and a re-organization of the Board is addressed.

ACCEPTANCE OF MINUTES: Stephen Themelis motioned to approve the minutes of March 16, 2021 as written; Renee D'Argento seconded the motion. It was voted all in favor; motion passed.

APPROVE BILL WARRANT:

Stephen Themelis motioned to approve the Tighe & Bond Invoice of January 25, 2021 for Pepperell Landfill Post-Closure Engineering Services rendered through January 1, 2021 for

\$4,855.00; motion was seconded by Renee D'Argento, it was voted all in favor to approve the bill warrant dated April 27, 2021 in the total amount of \$4,855.00.

ACTION ITEMS:

Robinson Hollow Sub-Division Plan:

Health Agent Gendron indicated that this Sub-Division plan was approved and accepted prior to Mr. Themelis and Ms. D'Argento being on the Board of Health. Therefore, Ms. Gendron recommended that the Board Members endorse the Sub-Division approval of Robinson Hollow at this time. On a motion made by Stephen Themelis and seconded by Renee D'Argento it was voted all in favor to endorse the approval of the Robinson Hollow Sub-Division Plan. Board Members indicated that they planned to sign the mylar plan the next day.

3 Princeton Lane – Request for Variance – Private Well

Health Agent Gendron acknowledged receipt of a private drinking well application from Maude Matley for 3 Princeton Lane. Ms. Gendron stated that unfortunately the sketch submitted with the application does not reflect the appropriate relief which will be required in this area. Ms. Gendron noted that the location of 3 Princeton Lane has very tight property lines which cannot be estimated when the area is this tight. Therefore, more detailed specific information is required; such as exact measurements as well as a scaled plan. Fee payment is also due for the review of this application. Ms. Gendron offered to work off-line with Ms. Matley on these issues. Ms. Gendron informed the Board this was almost an emergency situation because this was a drinking water well. She noted that Ms. Matley will need relief from her own septic system and will review the status of the abutters to this property. Ms. Gendron asked the Board how to move forward. On a motion made by Stephen Themelis; seconded by Renee D'Argento it was voted all in favor to grant 3 Princeton Lane relief from the current well regulations for a private drinking water well.

Mosquito Plan Review:

Health Agent Kalene Gendron addressed the Board and attendees by providing some background on mosquito control; stating that in July 2020 Governor Baker signed into legislation an act mitigating mosquito borne diseases like the West Nile Virus and Eastern equine encephalitis within the Commonwealth when the Department of Public Health determines there is an elevated risk. Also created was a task force to recommend reforms aimed at creating updated approaches to mosquito population control.

Ms. Gendron informed the Board that they needed to come to a consensus to provide a formal plan to the Select Board with a deadline of May 15, 2021 on whether or not the Town should move forward on the mosquito spraying or opt out. She noted that the Town of Pepperell, which requires a town meeting vote, is currently not part of any Mosquito Control District, therefore, the town is currently under the state guidance or regulations at this time. She noted that she had

various documentation on hand depending on which way the Board decided to move forward; whether to continue on with the spraying or vote to opt out. If voted to spray, it would require instituting a public health emergency within 48 hours. The State would spray and be required to notify certain entities including the local health department that this will happen.

Stephen Themelis noted due to the short time given that he would be inclined to Opt Out of Aerial Mosquito Spraying unless the Board had more time to review and gather all information needed to make a responsible decision. Renee D'Argento agreed noting that there was also a public meeting requirement as part of the deadline as well.

Ms. Gendron stated that there was much concerned on the chemical used for aerial spraying and whether or not there was PFAS in the product itself. It was determined by EPA with the State of Massachusetts that it was the actual containers that contained the PFAS chemical and not the actual Anvil 10+10 which is the product that is used for mosquito control and spraying.

Discussion continued among attendees regarding their concern of chemical spraying and the possible threat on public health, including the environment, non-targeted insects, pollinators, plants, and aquatic life. Renee D'Argento read an article from the Beyond Pesticides website that aggregates studies and provides information about chemicals and advocates for preventive measures and safe uses; especially in regards to large scale mosquito control applications. Link is as follows: <https://www.beyondpesticides.org/>

Ms. D'Argento expressed her concerns, and shared much information on the Massachusetts Department of Public Health's mosquito surveillance program who informs towns when there is a public health threat. Noting that education, source reduction and prevention are key elements to good mosquito management; and much more research and teamwork is necessary to build a framework for discussion in the development of an alternative plan.

Discussion ensued regarding how to develop an alternative plan and whether a template from neighboring towns or agencies would be available to use as a guide. Pat Harrington inquired if there were any guidelines available on what the plan should include as to key points that need to be addressed. April Healey questioned if an existing plan to vote out of the spraying has been reviewed and approved by the State that we may reference instead of trying to create something for the first time. Kalene Gendron responded that in the Mass. Gov. Website, located within the Application for Municipality Opt-Out Spraying documentation, details all that is required; including many Frequently Asked Questions. Links to the following websites were referenced:

<https://www.mass.gov/info-details/application-for-municipality-opt-out-of-srmcb-spraying>

<https://www.mass.gov/info-details/application-for-municipality-opt-out-of-srmcb-spraying#municipal-opt-out-frequently-asked-questions->

Health Agent stated that if the consensus is to opt out of the mosquito spraying than she recommends a basic plan to present to the Select Board to emphasize public outreach and education which is also in alignment of the Master Plan recommendations which the Board of

Health had previously agreed to; and perhaps more details could be added to the plan at a later date.

Town Administrator Andrew MacLean addressed the Board stating that the Mosquito Control Topic was on the Select Board's Meeting Agenda tonight in anticipation of the Board of Health's decision on whether or not to opt out of the aerial mosquito spraying. He indicated that the town must notify the Executive Office of Energy and Environmental Affairs (EEA) that we are choosing to opt out however, it is unclear whether if an approved alternative plan must also be submitted by the May 15th deadline. He expressed his concerns on the timeframe of creating a plan and having it ready for submittal within the next two weeks. He stated that he was unclear that if the plan did not get done it may not invalidate the vote, it just may mean that the EEA will not honor it.

Mr. MacLean indicated that it was his understanding that the Select Board needs to vote to opt out. They are the authority in this case. They can only do this after having a public meeting. However, it does require input from the Board of Health and it requires public comment. With this understanding, he recommended to the Board of Health to postpone the vote until the next Select Board meeting which is May 10th, which will allow time for the May 15th deadline submittal and give the Board of Health time to develop the alternative Opt-Out Plan. He felt that the alternative plan was needed for the Opt-Out vote to have some substance.

Renee reiterated that the Board of Health can vote to recommend to opt out tonight and can still work to develop the plan in the interim. She suggests that on May 10th, when the Select Board has their meeting; they can consider the BOH's recommendation, review the plan and also have public comment at that time.

Discussion on this issue continued. Mr. MacLean reiterated that he will suggest to the Select Board not to vote tonight on the Opt-Out option; but to wait until the alternative plan is developed by the Board of Health.

Margie LaFleur and Deb Fountain both questioned what constitutes a State of Emergency where the State could override the vote and aerial spraying would still occur. The Town Administrator indicated that information was not mentioned in the Frequently Asked Questions of the State's Mosquito website; but it is addressed within the documentation.

Deb Fountain requested from the Board of Health post an invitation for public comment on this topic so others may expressed their questions and comments. Andrew MacLean recommended to Renee D'Argento that the Board of Health continue with their discussions tonight and suggest that a more formal conversation be held on May 10th with the intention of the Select Board acting on the vote and plan that evening. This will also give us two weeks to provide some notice to the community if they have questions as Ms. Fountain suggested. Mr. MacLean stated that if someone emailed him a question he would try to answer it. However, he thinks in the next Select Board packet it would include questions received in advance and possible answers to them.

Health Agent Gendron referred to approved meeting minutes of the Mosquito Control Task Force. Ms. Gendron read “Jennifer Pederson who sits on the Committee asked whether such plans must be approved before municipalities vote on whether to opt out of mosquito spraying. She was told that the vote to opt out should happen first then they can develop the Plan”.

Acting Chairperson Renee D’Argento motioned to opt out of the aerial spraying to reduce mosquito populations in the 2021 season; Stephen Themelis seconded the motion; it was voted all in favor to opt out of the aerial spraying. It was discussed that the Board will begin developing an alternative plan as required and present it to the Select Board for review and approval.

HEALTH AGENT COMMENTS:

Covid-19 Updates:

Health Agent Kalene Gendron informed the Board that the CDC is looking at relaxing face coverings when outdoors especially for those who have been vaccinated. It has been announced that the Baker Administration will also relax the face coverings order for some outdoor settings effective April 30th. Massachusetts will re-open some outdoor Phase 4, Step 2 industries May 10th and have placed plans for further reopening on May 29th and August 1st. Face masks are still required when indoors. The local school district particularly in the high school levels have relaxed distancing from six feet to three feet. Ms. Gendron will keep the Board informed as more information comes forward from the State.

Rabies Clinic:

Health Agent Gendron announced that the Nashoba Associated Boards of Health was hosting a Rabies Clinic for Townsend and Pepperell residents on Saturday, May 1st, 9:00a.m. to 1:00p.m. at the Townsend Highway Garage, 177 Main Street, Townsend, MA. Cost per Immunization is \$20.00 payable by check. Residents may reference the Town Website or entire Rabies Immunization Clinic Schedule as residents of Nashoba member towns may attend any of the clinics listed .

MATTERS THAT MAY BE RAISED THAT THE CHAIRPERSON DID NOT REASONABLY ANTICIPATE:

Acting Chairperson D’Argento noted that PFAS has been detected in the Nashua Road Drinking Well at an action level of 20ppt. She addressed many questions to Health Agent Gendron on how and when the Board of Health office was notified and what the role of the Board is relative to this issue.

Ms. Gendron explained that the Pepperell Water System consists of five wells in Town and is overseen by the Massachusetts Department of Environmental Protection (MassDEP). The Consumer Confidence Report provides a recap of the town’s drinking water and is posted annually on-line and is the responsibility of the Pepperell Water Division. A copy is received in

the Board of Health Office as an informational tool as our oversight is not the public water system. When it comes to the public water supply the Board of Health's role is to support with education and public outreach.

Ms. Gendron noted that PFAS Program is getting a lot of attention now as the State drops its level from 70ppt to 20ppt. In regards to PFAS in the Nashua Well, Ms. Gendron noted that she was notified of this yesterday, April 26th by the DPW Director. The DPW will continue to meet with MassDEP regarding the PFAS issue. Health Agent Gendron noted that she has been invited to be part of the conversations with the State. However, all public water supply questions should be directed to the Pepperell Water Division. Moving forward she hopes to have many more conversations with various town departments which will include the Board of Health members relative to the PFAS issue. Ms. Gendron reiterated that local private drinking and irrigation wells are regulated through statute and are under the jurisdiction of the Board of Health office.

Resident April Healey questioned if other local towns, who use the same aquifer, been notified of the PFAS results. Ms. Gendron noted Massachusetts State Drinking Water Regulations 310 CMR 22.00 for which the Pepperell Water Division operates under has certain notification procedures they will follow to be in compliance with MassDEP protocol and policies. Ms. Healey questioned Ms. Gendron on her role as educator and if she will provide information on the Health Board's website as PFAS information becomes available. Ms. Gendron noted at this point education will continue to be the role of the Board of Health.

Patrick Harrington resident of Park Street and member of the Department of Public Works addressed the Board noting that the DPW has suspended the sale of Deduct Meters and have instituted a Water Ban effective May 1st, 2021. This action is a direct result of our aquifers running low and the town facing serious drought conditions. He noted that there have been a large number of inquiries for private irrigation wells from residents, developers and builders in town. Therefore, after much discussion, the DPW Board Members along with its Director are in full agreement to request that the Board of Health consider a moratorium on private irrigation wells until further notice.

Renee D'Argento agreed on the moratorium on private irrigation wells but suggested that the subject be put on the next meeting agenda for discussion. Stephen Themelis questioned if the Board of Health had the authority to implement a moratorium and felt that more research was necessary before coming to that conclusion.

Health Agent Gendron noted Massachusetts General Laws, Chapter 11, Section 31 current standing well regulations; where the Board of Health can govern private wells; modify or create new regulations. Ms. Gendron noted that the Board should consider that moratoriums are not permanent, they are temporary. When considering the moratoriums, consider the time frame for which they come to an end. Ms. Gendron recommended looking at the various zones in town; the location of these private wells and whether or not there should be site constraints or restrictions when it comes to issuing these well permits which she as Health Agent has the jurisdiction to do so. She noted that she has seen a significant increase of private irrigation well applications in the Board of Health office. She also stated that when an irrigation well permit is

issued that the Water Division is cc'd on the permit; and the resident is sent out a public outreach educational pamphlet regarding drought conditions and water conservation tips; as everyone's water comes from the same source whether it be town water, private drinking well or irrigation well.

Discussion ensued among attendees regarding how wells should be looked at according to zoning and the various zones throughout town. Many expressed their concern of the use of private irrigation wells and the overall drawing down of the town's aquifer.

Residents from Bacon Street expressed their concern as they are awaiting their private irrigation permit or have just received their irrigation permit and the significant financial investment they have made to have this well drilled and initiated. They noted their high water table and the need for a lawn to avoid mud entering their home. Discussion ensued among attendees regarding rain gardens to absorb water and other options such as rain barrels and water diverters to fill pools from rain water.

Health Agent clarified that at this time applications received in full compliance will still be considered for approval for a private drinking or irrigation well.

Pat Harrington addressed the Board and ask that he amend his request and ask that the Board of Health put a moratorium on all future applications for private irrigation wells until further notice.

Both Renee D'Argento and Stephen Themelis agreed that further research and discussions among various town departments must be done before agreeing to this request.

ADJOURNMENT:

On a motion made by Stephen Themelis, seconded by Renee D'Argento, it was voted in favor to adjourn the meeting at 6:21p.m.

Respectfully submitted by Trish DeLorey, Interim Assistant to the Board of Health