

BOARD OF HEALTH MINUTES
TOWN BUILDING- HEALTH DEPT OFFICE
AUGUST 20, 2018

The meeting was called to order at 7:00 p.m., present were John G. Schuler, M. D. (JS) Chair, Arne Soslow, M. D., (AS), Robert DeFrancesco, DMD (RD) and Susan Green (SG). Also present were Julia Junghanns, (JJ) Director of Public Health and Patti White, Department Assistant.

7:00 p.m. Public Comment – There were none

7:05 p.m. Review and discuss proposal to increase PHN/Nurse Leader hours from 30 to 35 per week.

Ruth Mori, Public Health Nurse/ School Nurse Leader (PHN/SNL) has come to talk to the Board regarding her job duties and her annual schedule. The school nurse leader, supervising, writing policies, the amount of time spent on weekly duties, they have exceeded 30 hours per week. As the Health Director, Julia fully supports this; she feels that the time Ruth has spent on this job has been regularly over 30 hours for some time. Since the position of PHN/SNL was created and filled by R. Mori, it has developed and changed over time. The position was initially 25 hours and was increased to 30 hours. Ms. Mori oversees the 5 Community Health Nurses (CHN/School Nurses) who all work full-time, 35 hours a week. The 5 CHN's are working with school principals, families and children and are always looking for support from Ruth with questions and issues, Ms. Mori always responds and is available for their needs regardless of when she is contacted for assistance.

JS: Would it be possible to pick some random weeks to document hours and tasks in preparation for the personnel board, in case they have questions? When does this go to the Personnel Board? JJ: Any requests for additional personnel or hours are must be submitted to the Town Administrator by September 4, 2018, the Personnel Board meets at the end of September. We have met with the School Superintendent who has become very involved with school nursing, which brought this issue to light. The School Superintendent is supportive.

RM: My work on Communicable Diseases varies in time required to handle cases that come through MDPH. AS: How much time is spent telecommuting as opposed to onsite time? RM: I work from home typically on Friday (non-working day) and weekends also. AS: Sometimes when requesting extra hours, the question arises as to what side of the job do you need assistance with; nursing duties or admin support?

SG: Is 35 hours enough? JJ: 35 hours is a full time position for Wayland town staff. SG: Do you need more administrative help?

JJ: When the PHN/SNL job was created and the 5 school nurses were transitioned from the Parmenter Contract to becoming employees of the Town/BoH there was never any consideration to add support in our office due to the additional staff. The Health Department has more staff then most other departments in town building and less administrative support. This has been an issue that has come up for many years and we have never been successful in obtaining proper additional administrative support to supplement the required staff/nurses.

AS: Who does admin work for you? Can some of this work be delegated? Who covers for you if you are away or sick? JJ: For emergencies/vacations, we have a mutual aid agreement with Sudbury. The School Physician in Wayland and the PHN in Sudbury would be able to assist with medical issues that can come up. JJ: Patti and Diane do the admin support.

There was a general discussion and the Board of Health expressed support for staff to request the additional hours for the PHN/SNL position. The next step is the new Town Administrator and the Personnel Board.

7:25 p.m. Discuss Wayland participation with Emergency Preparedness Region 4 A/B- Ruth Mori PHN

Since Public Health Emergency Preparedness planning started in MA, our office has participated with MDPH Region 4A. We have been able to receive community allocations and a number of supplies to promote emergency preparedness within town. In the past we have needed to sign documentation requiring us to fulfill all deliverables and such for the community allocation. At this point Region 4A and 4B have merged (now 63 communities from outside Boston through all around Metrowest) and funding will be regionally based. We are considering not being actively part of the region any longer and request determination from the Board to fully withdraw from the region. In the last few years, it has been a difficult ordeal to obtain the items that would be best for our community. Ruth provided the example regarding the backup battery for the vaccine refrigerator to help provide some extended protection of the vaccine when the power goes out in the Town building. Previously the community allocation had been up to \$5,000.00 I am awaiting further information in regards to this year's grant and regional preparedness.

AS: what are the political/financial consequences? RM: Communities still attend the meetings to maintain relationships, and participate in the web EOC drills. There are other parts that do not benefit us presently; we are not in need of supplies, and it has become increasingly difficult. JS: Who makes the decision to stay or go? RM: The funding directly benefits the Health Dept., so the decision would be made by the Board. JS: We need to be educated and see the benefits/risks? Do we ask someone from the State to come in to give their side? SG: What is the max \$\$ RM: it was \$5,000. There was some regional funding in addition to the \$5,000.00. SG: If we opt out, can you opt back in if things change? RM: If we opt out we certainly can opt back in. Opting out gives us the flexibility of not performing deliverables that may not increase effectiveness for us in Wayland. We will continue to participate in regional training activities. AS: 63 communities? RM: it was about 30. AS: how many have opted out? RM: Communities that have opted out include Hopkinton, Southboro, Sudbury and others. Quite a few are talking about it, we have not been asked to sign paperwork. RM: I am awaiting a document to arrive, that will be discussing this. This is a state branch from CDC, DPH filters it down to the communities.

It was decided that this discussion will continue at a future meeting.

7:45 p.m. 10 Glezen Lane- Review and discuss letter received from owner regarding septic system upgrade/relocation due to Zone 1 and their request for town to contribute to the cost, Owner Helen Skeen

Mike Lowery- representing the BoPW for a discussion

The house was constructed prior to T5 regulations, T5 considers a septic system installed inside the zone 1 as a failed inspection when preparing for sale. The state offers an incentive for a 40% tax credit paying out a maximum of \$6000.00 over 4 years, for an owner occupied property. For that to be triggered, the system needs to be failed. The Health Dept. could be letting people know about the state provision. JJ: The most difficult problem is that you need to be living in the house to get the credit (not moving out of town like most people in this situation). AS: Is there a link online that has the information

regarding this program? JJ: I will take a look at that; we will look at that and put a note in the tax flier. ML: I believe there are a total of 10 houses in all the Zone 1 areas in Wayland. JJ: The credit is for anyone who has a failed system; it is not just for Zone 1. ML: It would be nice if the town could assist these people, the BoPW had considered buying these houses to tear down, we need to look at the fees. I will bring to BoPW as an agenda item. JJ: I will meet with Town Counsel tomorrow to discuss the idea regarding an incentive for properties with septic systems inside the area that became a Zone 1 AS: I agree that the homeowner if they get to use the state credit, can the town assist with any additional funds? ML: if there are persons selling the home can they work with the buyer to allow them to do the repair and take the advantage of the Tax Credit? JJ: We don't get involved with who is paying for the system. ML: Ask Town Counsel if there is any means to allow the buyer to do the work and take advantage of the credit. ML: if there is mortgage for the sale involved it to be a fully compliant septic. Consider the age of the system, if the system is that old, why would we pay them if it must be upgraded anyway. ML: We are asking the town to consider, just the Zone 1 properties, who built prior to Zone 1 being identified. JJ: The argument is related to our asking them to construct a "super system" that is more expensive because of the Zone 1 issue. ML: I will discuss this with the BOPW.

10 Glezen Lane- Review revised septic system upgrade (relocated outside of Zone 1) and approve the variance for sewer line located in Zone 1, Owner Helen Skeen

The septic has been designed and is almost all out of zone 1 (the tank and leachfield are outside of the Zone 1). They will still need a variance for the sewer line, and the plans are still under review. We are quite sure it will remain in the proposed location as shown. SG: Can you tell us about the security of the pipe? JJ: it is a standard schedule 40 PVC pipe that will withstand being driven over. Sch 40 pvc pipe is considered suitable for vehicle loads. JS: Are there joints? JJ: There will probably be several connections in the length of the pipe to the tank; the pipe will be 98' long. SG: do you see the potential for failure on the pipe? JJ: Damage to the pipe is out of our control; in general a new pipe will be good for a long time and a great improvement to the existing condition. ML: I would suggest we follow the protocol of what we did for the neighboring house (6 or 8). JJ: 8 Glezen Lane moved out of Zone 1, the tank could not be moved outside. In this case it was pumped. A force main is different from a gravity feed system which 10 Glezen Ln. would have and is proposing. 8 Glezen Ln. was 490 feet total, the effluent was being pumped through a forcemain out of the Zone 1. AS: what is the grade on the 10 Glezen lane pipe? I would like to have the engineer come before us to give us the details. JJ: There is a 4 foot gradual grade down from the house. ML: If you would please not release the permit until we confirm with Paul Brinkman or BoPW Director. We need to consult both staff and board, BoPW meets on next Tuesday. JS: We should advise the owner that she will be eligible for the tax credit. JJ: The state is very strict with who they provide the tax credit to, the system has to be in a state of failure and the homeowner has to be staying/residing at the residence (not moving away).

8:05 p.m. 8 Hill St. and 65 East Plain St. – Update regarding situation involving abutting properties at 8 Hill St. (vacant lot being developed) and 65 East Plain St. (existing house with proposed permitted potable well)

JJ: The vacant lot at 8 Hill St. is being developed; soil testing and a septic plan design have been done. During that time a potable well was applied for and permitted by abutter at 65 E. Plain. During that time, there were debates about the wetlands that were brought to court and are still in court. There are still concerns with the issue of the well permit that are in process at court. We issued a permit for the septic at 8 Hill St; and we have since received new information on wetlands that may impact the design plan. We have since revoked the septic permit as Title 5 allows us to do that when we receive new

information that could impact the design. JS: Is the issue of wetlands standing in the way of a septic system? JJ: We received revised plans (rec'd 8/9/18) that have not been reviewed in detail yet. JJ presented the revised plans to the Board with the flagged wetlands and the proposed house and septic location. Steve Garvin of Samiotes (Steve G): The wetlands delineation now is different from the 2015 conditions. Steve Breitmaier (SB): developer for property: the DEP wetlands flags are still in effect; from 1/11/18 they are good for 3 years and that overrules other information. The court said that DEP has issued a permit that is good for the septic and building. We have a superseding order from DEP. Steve G: After that permit, in 2017, the owners of 65 East Plain St. went to Conservation to put well on their property, there is a question on a ruling for the well. C. Samiotes, (CS) PE, 65 East Plain St.: The Conservation Commission ruled that the wetlands, according to wetlands bylaw, cover almost the entire site. The whole property was deemed a wetland, there was a filing error by the town, the proponent went to court and they were not obligated under the wetland bylaw. Steve G: DEP wetlands are correct. CS: The permit illustrates the bylaw and wetlands on property line; it is 10 to 15 feet from the septic to the wetlands. SB: We went to court, we disagreed, we went to court to say bylaw was incorrect, the court didn't hear this, this filing says DEP is in control of this site. Steve G: The town of Wayland is in control, under Title 5, that is correct, under Wayland Regulations, it differs. CS: There are points of discussion regarding the septic design, my company has done 300-400 systems and we understand the wetland bylaws. Steve B has handed the Court decision to the Board, flagging and permitting are good till 2021.

AS: What are we following? JJ: We are not making any decisions, just hearing information from both sides. Tom Grassia (TG), representing the Perodeau family (current owners of 8 Hill). He agrees this situation is very complicated. When DEP issued a superseding order, it went to court and then went appellate court. Conservation and it's rules are no longer in effect for this project, DEP's decision is in effect for next 3 years. That is not appealable, that is off the table.

Steve G: We are discussing wetlands on 65 East Plain St. not on 8 Hill St. CS: We submitted our well plan before the septic design. SB: This well can be located on any part of his lot, this is spite well. Steve G: Soil testing was done in 2013, the permit was not issued until the plans were submitted. Can you please confirm that a permit is not pulled until the plans come in? When the well application came in you approved it because there was no approved or applied septic system within the perimeter of the well. SB: The well permit is in court, the septic permit is before the board, I am asking that you act on this now and reapprove the septic permit; we have modified the plan and made the changes that were requested. Steve G: The well permit is still active even though it is not yet installed. Susan G: There are wetlands on 65 East plain, are we considering the well or just the septic? Lot size? SB: 10,000 sq. ft. JJ: The system has a Reserve Area for new construction, the issue is the offset to the wetlands that are not shown on the design (but are shown on the well plan for 65 E. Plain) and are about 10 feet away from the proposed leaching area. This is being looked into. We are not making any decisions on this tonight, the purpose of this meeting is to inform the board and hear the issues/concerns.

Nancy Leifer (NL), 73 East Plain St, At one time, we had thought we would develop that land, we had conservation walk the land, which almost abuts the land in question. Conservation said there was no chance to develop, that it was all wetlands. CS: the land floods; there are wetlands on the property, the same wetlands that are on my property. Steve G: We want to talk to the Board, determination of the wetlands on 65 East Plain. Ruling on 8 Hill St, there are issues and items that are being addressed and to be addressed. We do not feel all items have been addressed. The plan before you does not fully address the wetlands that were identified on the well plans. SB: Deal with the septic plan, do revised review, based on court and DEP findings. Susan G: we are not lawyers, we need to talk to Town counsel and we need to have advice before making a decision. TG: ask town counsel to advise on what? Steve G: There have been revisions that have been made, new construction regulations require 165 gpd, this is

a 2 bedroom septic, needs conventional design with an I/A with a reserve, it needs to meet Wayland Regs before the I/A and must meet Wayland setbacks/offsets. AS: I/A vs traditional, we do not allow I/A vs conventional? JJ: if it was required, it was done, we go by the guidelines of the Dep approval letter. JJ: we follow DEP letter for the technology. Steve G: read from Hancock letter regarding I/A.... CS: This is not a repair for a small lot you need to hold new construction to 165 gpd with full reserve area before I/A.

8:20 p.m. Discuss Ch 40B Projects: peer reviews, updates, any new information

24 School St. – Windsor Place- updates and any new information: revised septic design has been revised and comments provided to engineer- BoH input is requested from ZBA on waivers from BoH Regulations. Next ZBA date August 21st.

JS: Michelle Galesia (MG), put a package together she has had a discussion with Conservation. It was also brought up at the last Board of Health meeting, and there was not much info available. I wanted to bring this info forward. We contacted Natick and they are hoping BOH and Conservation will work with local bylaws. JS: This is a 40B project, so local bylaws will be bypassed. There is no one here from Natick to show concern? MG: I found a study for south pond (springdale); they determined that the pond water into is connected to the wellfield. Isotopes identified from pond water separate from groundwater. If it is happening at south pond it may be happening at Middle pond. Any possible breakout would affect the lake water. JS: JJ what did you think of Scott Horsley's letter. JJ: This board has voted and advised ZBA that waivers should not be approved by ZBA. I agree that this is a tight site and there is a small margin for error. There are serious questions about how the tanks will be accessed, questions about the large retaining walls, and potential concerns with the septic leaching area, noise from the blower units. Darren M did comprehensive review of revised plans; he has sent comments to the engineer, we have not been provided additional revisions. We have a very large file on this project; including Town Engineer Paul Brinkman's comments regards the inaccessibility of tanks, concerns for infiltration into tanks (secured covers) drainage or runoff from wall and abutting property. We referenced the 8/15 report of Deshang Wang to conservation and 8/17 letter from Scott Horsley.

Molly Upton, Bayfield Rd.: My impression was that you have never seen final plans, can you list the issues for reason to not grant waiver? JS: Additional information regarding the inaccessibility of tanks. JJ wrote a memo to the ZBA on July 20th. Nancy L: Linda Segal mentioned that the plans resembled the Sunrise Assisted Living system that had failed, 40B threatens the health of people that live in the area. JJ: that system did fail prematurely; however, it has never been identified as to why/how it failed. George Bernard, East Plain St.: Mr. Horsley will be speaking to Conservation this week and will bring information to reply to Mr. Wang's comments. Conservation may be making their decision soon. JJ: the ZBA will be meeting tomorrow night, I don't know if they will be closing the hearing.

113-119 Boston Post Rd - Cascade Wayland, review and discuss peer review on hydrogeological report/groundwater mounding analysis and staff questions. Next ZBA date September 11th

We have not heard back with a response to the peer review comments, and I also had some questions regarding bedrock and ledge which has not been answered either. There was a letter from S. Horsley dated 8/14 and letter from protect Wayland as well.

8:45 p.m. General Business
• Set future meeting dates -

- Thursday September 6th, 13th or 17th
- Approve bills, approve June 11, 2018, June 25, 2018 minutes
 - **SG: Motion to approve the 6/11/18 minutes as amended. Second RD vote 4-0 all in favor**
 - **June 25th, JS: motion to approve 6/25/18 as amended, second SG: approve 4-0 all in favor**
- Update on paying monthly Animal Control bill, Director report

Per 6/25 minutes, regarding the BOH budget and animal control bill, we had mentioned removing the money from the budget. The 2 positions have been merged together into 1 position. JJ believes we need to keep control of the funds to be sure we are still in control of the duties as they pertain to the BOH and Public Health requirements- Rabies control regarding bats and other animals. SG: A baby fisher cat was found in my neighborhood, animal control service took the animal and it was positive for rabies. The front office will have 1 contract and BOS and BOH will pay their respective portions of the monthly contract.

JJ: can I suggest communication to BoPW regarding earlier catch basin cleaning? The timing greatly impacts our ability to do mosquito larvicide treatments, we had to wait until they were done and this year it was July by the time we could do the treatments. July is really too late to be worthwhile for a 150 day larvicide, it needs to be sooner in the mosquito season to provide better protection for the town against WNV. There will be communication between Mike Lowery and John Schuler regarding cleaning the catch basins earlier in the year. Mike L will talk to BoPW.

9:00 p.m. Topics not reasonably anticipated by the chair 48 hours in advance of the meeting, if any

9:28 p.m. JS: motion to adjourn SG: second

Respectfully submitted
 Patti White
 Department Assistant
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