

**Minutes of the Carlisle Board of Health
December 14, 2010**

Present: Board Members Jeff Brem Chair, Bill Risso, Mark Caddell; Cathy Galligan; Elizabeth Nilson Ostrow, also present: Linda Fantasia, Agent, Adam Brako (Carlisle Mosquito);

The meeting was called to order at 7:30 p.m.

MINUTES – Brem asked that the agent compare the 11/9/10 minutes with Selectmen’s since it was a dual meeting.

It was moved (Risso) and seconded (Galligan) to approve the minutes of 11/9/10. Motion passed 4-0-1(Nilson)

BILLS – Risso said the bills are salary, engineering, and dues. He suggests tracking the agent’s hours spent on 53E activity. He would also like to charge the town’s overhead rate to the revolving account. Fantasia will check with the town accountant to see how this would work. It was moved (Risso) and seconded (Caddell) to approve the bills as presented. Motion passed 5-0-0.

ADMINISTRATIVE REPORTS

Administrative Assistant – former Board member and resident Roberta Lyman submitted an application. The position was advertised in the Mosquito and at town hall. No other applications were received. The Board had agreed on a temporary position until March 31 in order to review the current job description. The temporary position would be a Grade 3 minimum pay rate. Lyman has agreed to the rate. The Board reviewed Lyman’s application and agreed that her experience on the Board, familiarity with the town and education made her a suitable candidate. Galligan noted that it would be good to consider a permanent replacement that might be interested in continuing on in the job. Nilson felt Lyman was a good match for the position.

It was moved (Risso) and seconded (Galligan) to hire Roberta Lyman as a temporary contractor for the administrative assistant for the Health Department at a Grade 3 minimum pay rate for up to 15 hours a week.

Farmer’s Market – The Board has been reviewing state guidelines and town regulations as the result of an indoor market to be held throughout the winter at the First Religious Society. This is the first year for this type of market. There is a question as to what the Board is required permit. The Board is interested in farmer’s markets because of an issue with the use of fresh animal bedding at the community gardens. Some of the produce was sold at the local farmer’s market. The Board attempted to look into whether this was a safe practice and what authority it had over these markets. It is possible for the town to be more restrictive than the state if there is a need. A One Day Permit was issued for 12/18/10 market. The organizers, Leslie Thomas and Cindy Craft, are in the process of providing certification from two meat and one cheese vendor. Meats need to be processed at a USDA facility. Cheese requires a state pasteurization and commercial license. The Board will have its new food inspector, Randy Phelps, stop by the market and provide recommendations. Brem feels the Board should issue one license to the market rather than individual ones to vendors.

School Building Committee – Planning Board requested comments on the relocation of the fire cistern and well. Brem was concerned that the well radii was not shown on the plan. If it is less than 100’ from a septic system, the Board will require a condition that the well can never be a potable water supply. Brem’s comments were forwarded to the Planning Board which met last night.

Transfer State Permit – As of July 1, 2010, DEP transferred permitting of small transfer stations (< 50 tons/day) to local Boards of Health. The Board was informed of this on November 17, 2010. At the last meeting the Board issued a temporary permit to cover the operation until the state provides guidance and the Board has a chance to evaluate the process. Fantasia asked Davis for the current permit which he believes was for five years. Davis was uncertain when it was first issued. There is annual compliance reporting requirement. If Davis is unable to locate the current permit, Fantasia will check with DEP.

Noise Bylaw – John Bakewell appeared before the Board to discuss a possible noise bylaw. He is one of the neighbor's that has been affected by the hoe ram used all summer at Chestnut Estates. The Board had received several complaints about the use of the hoe ram at the Rutland Street site. The constant use of the equipment prevented nearby residents from using their yards during the summer and fall. The sound was unbearably loud inside nearby homes. Residents often had to leave their homes during the days when the machine was used. The residents were frustrated because there was no local or state regulation to stop or control the activity. Both the Police Department and the Building Inspector were contacted numerous times over the summer, but there was no legal remedy available to them. Eventually the developer agreed to judicious use of the hoe ram but according to Bakewell it is continuing on a regular basis. The neighbors no longer have any credibility in the developer. Bakewell reported that Ginny Lamere, another abutter, recently met with the Selectmen and they are willing to consider a noise bylaw for the town. Lamere and Bakewell also received a favorable response from the Planning Board last night. The Planning Board has the ability to set conditions for certain developments, but a bylaw provides better overall protection and enforcement.

Although the work at Chestnut Estates prompted the interest in a noise bylaw, Bakewell said the purpose of the bylaw is not to stop development in town, but to better control noise impacts during the construction phase. The use of a hoe ram severely impacts the quality of life and can be a health risk. Bakewell questioned why the developer at Chestnut chose the hoe ram instead of blasting. The machine is working on a strip of large monolithic ledge. Blasting would be a better choice. When blasting does occur, neighbors hardly notice it. They are also warned with a siren. They never know when or for how long the hoe ram will be used. The developer is also using it to break up large rocks that might be managed better with blasting.

Brem said Chelmsford has a noise bylaw. Bakewell said many other towns do also. He gave highlights from some of these regulations. There does not seem to be any standard form. Some towns regulate hours and decibel levels but most all of them exempt construction. According to the Department of Transportation a hoe ram creates 90 decibels of sound; a pile driver creates 95 and chain saws 85. OSHA requires hearing protection at 80 db. When DEP visited the site last summer, the inspector agreed the noise exceeded DEP's policy. DEP only has guidelines, which makes enforcement difficult and they have been challenged in court on their policy.

Galligan asked whether the measurements are weighted. Bakewell did not believe they were. He is concerned that the work at Chestnut Estates is not done. They have yet to start on the six foundations. Part of the problem was a Planning Board condition requiring a 1000' blasting survey. The state standard is 200'. The additional work caused a delay in getting the blasting permit. The hoe ram was brought to the site so work could continue. The use of the hoe ram has been constant since early summer. Bakewell and Lamere are asking for support for the bylaw. It only takes petition from ten residents to bring a bylaw before town meeting. Based on what they have found in other towns, they are proposing no activity greater than 70 dB (A) at the property line or 10 dB (A) over ambient noise whichever is lower; there would be one exception: one day 7am-7pm a month per site without prior Board of Health approval. Brem asked how "site" was defined. A developer could own several lots in a development. Would each lot be a separate site? He also noted that a wood chipper creates a lot of noise but this is a necessary activity for property and street maintenance. A good practice would be to check with neighbors. Risso noted that even if there were no complaints, a bylaw should be enforced. It is not easy to craft a regulation for every event. Bakewell said the Board could grant waivers for certain activities. He said the Police Department responded when contacted but never pushed the activity to the point of disturbing the peace which they can enforce. It is this type of situation that a bylaw could address.

The Board agreed that excessive noise is a health issue. They would be willing to consider a Board of Health bylaw. The bylaw would need to address definition of site, determination of property line, construction activity, and enforcement whether through the Board of Health or Police Department. Galligan questioned how the decibel level would be measured and rated. What are the ASTM standards, how the meter is calibrated, and is the reading weighted must be clear. There needs to be sound justification if readings are to be defensible. Stopping work on a development could have severe financial consequences for the developer prompting a legal challenge.

The Board agreed to support a proposed noise bylaw. Excessive noise is a form of pollution that creates a nuisance and can be detrimental to human health. Fantasia said that public health is interested in the health risks associated with excessive noise levels because of the use of audio equipment by young adults. Brem suggested Bakewell and

Lamere prepare a draft for the Board's consideration at the January meeting. There are a number of steps involved in creating a bylaw and not much time before spring town meeting. There has never been a survey on noise complaints. It would be good to understand what the ambient levels are for Carlisle. The Board has no money to spend on equipment or training. The Board will check with DEP for recommendations and costs. Brem warned that the bylaw should not attempt to over regulate. It needs to have a common sense approach to be useful. Risso asked about fines. Brem said the Board has the ability under Ch. 111 to issue a cease and desist and set fines, per event and per day. The Board thanked Bakewell for meeting with the Board.

DISCUSSION ITEMS

FY12 – Brem reported on the Finance Committee meeting of 12/13/10. The Board was asked to present a 0% and 2% budget. Overall the department's finances are in good shape. The Board presented three budgets, 0%, 2% and 2% without supplementary funding. The Board has benefited from a number of grants that it judiciously uses to supplement its operating costs. Last year the Board used \$5650 from the Title 5 Grant to offset operating costs. the Board plans on doing the same for FY12 but warned the Finance Committee that the additional funding will not be available for FY13. At that point there will be a significant jump in the Board's request in order to keep it in line with actual operating and salary costs. Items that may affect the Board's finances next year include the Permit Extension Act of 2010. Currently there are sufficient funds to cover old obligations, but with the extension the costs of doing business may increase greater than the fees collected. The Board will continue to monitor this situation. On the positive side, the Board is in the process of reviewing the job description, including hours, for the administrative assistant which could result in a net savings. This position is paid ten hours from the operating budget and five from the revolving account. The Board also wants the agent to track Title 5 hours and possibly charge overhead for both positions to the revolving account. Fantasia will check with the Finance Director to see if this is possible. Brem said that the Finance Committee would also like a cost analysis built into the activity charts presented. The Board agreed that this is possible on permit activity but would be difficult to provide a dollar value to other kinds of public health work such as the Lyme Presentation, or Flu Clinic that the Board does. The Board agreed to upload the financial information to its website so that the public is aware of the Board's work.

ADMINISTRATIVE REPORTS (cont)

HAM Antennas – contract is still pending. Deadline for the 2007 funding is 12/31/10. Fantasia will follow up with the Radio Group.

62 Lowell Street – At the last meeting the Board set a timetable to upgrade the failed system. The Board sent an Order to the owners by certified and regular mail which included a timetable for upgrading the system. The green card has not been returned from the Certified mailing so there is no proof of receipt. Fantasia has been in touch with the design engineer, Russ Wilson, and the owner, Colleen Klein, on various occasions but there is no specific plan to upgrade as yet. The Board is concerned about the delays since the property is located in the center of town, a densely populated area. The Board discussed various options of enforcing the order including having the police deliver it to the homeowner. Under the Permit Extension Act the permit is still valid so the work could start immediately. Fantasia suggested Brem contact the owner to try to move things forward and Brem agreed. If this does not work, the Board will consider other enforcement options.

PHEP Subregional Mini-Grant – The Board has been approved for \$2K which will be used to pay a contractor to complete EDS Deliverables and work on After Action reports from last year's H1N1 Clinics and this year's seasonal flu clinics. Kathryn Kinzel, the Board's intern from BUSPH, is interested in doing the work. Fantasia said the suggested rate is \$20/hr. Galligan said this is in keeping with \$15-18/hr paid by UMass to graduate students. She pointed out that there are travel costs to working in Carlisle. The Board agreed the rate was reasonable. The \$2K is an "up to" amount depending on the work done.

It was moved (Risso) and seconded (Galligan) to hire Kathryn Kinzel, as an independent contractor, to work on 2010/2011 EDS deliverables at an hourly rate of \$20 to be paid from PHEP mini-grant with a not to exceed \$2K cap. Motion passed 5-0-0.

Volunteer Application – Vadalbh Sarma, of Elizabeth Ridge Road volunteered to be on the Water Quality Subcommittee. The Board was very pleased that Mr. Sarma was interested in volunteering for the subcommittee which lost a member when Michael Holland moved out of town. Mr. Sarma’s background is in mechanical engineering. He is retired and interested in doing something for his town. The Board felt he would be a good asset to this subcommittee.

It was moved (Galligan) and seconded (Caddell) to appoint Vadalbh Sarma to the Water Quality Subcommittee. Motion passed 5-0-0. A letter will be sent to Mr. Sarma.

There was no further business discussed. Meeting voted to adjourn at 9:45 pm.

Respectfully submitted,

Linda M. Fantasia
Recorder

HANDOUTS

Finance Committee memo dated 12/13/10
Administrative Reports dated 12/14/10