

**Minutes of the Carlisle Board of Health  
February 15, 2011**

Present: Board Members Jeff Brem Chair, Bill Risso, Mark Caddell; Cathy Galligan; Elizabeth Nilson Ostrow, also present: Linda Fantasia, Agent, Ann Marie Brako (Carlisle Mosquito); John Bakewell, Ginny Lamere; Larry Barton

The meeting was called to order at 7:00 p.m.

**MINUTES** – January 25, 2011 with revisions from Galligan. It was moved (Galligan) and seconded (Risso) to approve the minutes of January 25, 2011. Motion passed 5-0-0.

**Bills** – It was moved (Risso) and seconded (Caddell) to approve the bills as presented for payment. Discussion - The bills include nursing and cell phone expenses which are grant reimbursable. Motion passed 5-0-0.

**COMMUNITY SEPTIC LOAN PROGRAM** – Present for the discussion was Larry Barton, Finance Director. Barton explained that the interim loan used to start up of the program was due to mature in October 2011. At that time any uncommitted funds would be returned to the state and the town would need to obtain permanent financing for any outstanding loans. Carlisle has requested \$130,000 of the \$200,000 available. Four loans have been approved. Two have been paid back resulting in a balance of approximately \$65,000 in the account that could be loaned out. Two loans are outstanding and would need to be transferred into permanent financing. Betterments are paid over a ten year repayment period. The town has twenty years to repay. The town is not allowed to have money accumulate in an account without being used. Because of the small number of loans, Barton suggested that the town finance the program rather than going through the Water Pollution Abatement Trust (WPAT). A similar fund was provided for the Conservation Commission a few years ago to cover the cost of large land acquisitions. The benefits of this strategy would be no interest to pay for long term financing and the Board could set the protocols for the loan program. Under the WPAT guidelines there is a \$150,000 adjusted gross household income cap. The town has a choice of 2% or 5% interest on loans. A local program could set whatever rate was reasonable and change the cap. Barton thought \$200,000 would be sufficient based on current loan activity. The money would come from Free Cash. Given that the town is certified for 1.9M, the small amount would have no affect on the town's bond rating. Since any uncommitted funds will be returned to the state in October, the Board may run out of loan money before town meeting could vote a new authorization in 2012. Barton suggested submitting a warrant article requesting authorization this spring.

Caddell asked if the money would be kept in a separate account. Barton said the Conservation fund is held in a separate money market account. The Board noted that the state program provided an administrative grant. Barton said that Fincom prefers to fund salaries out of operating budgets not grants. Risso felt the state program was clear and self-sustaining. There could be hidden problems with offering a town program. Barton agreed but noted that WPAT requires a lot of paperwork. If the program were home based, this would be reduced. The Board could do its own audit of the program. Barton was unsure if required reports were being filed with WPAT. Fantasia said there had been at least two meetings with the town accountant and auditor to discuss these issues. The town accountant provides monthly statements on the administrative grant and quarterly statements on loans. The Board agreed that Carlisle households may have a problem with the \$150,000 cap that was set in 1995. Galligan said the town could require credit checks to make sure the recipient was able to pay. Barton noted that the loan is secured by the property. He said if the Board is interested, they should talk with the Selectmen and Finance Committee. He did not see a problem managing the loans through a local fund unless the number increased significantly. He put this number at 8-10. Caddell asked if any other towns were doing this. Barton said he did not know. Other towns may not have the resources to do a loan program. Carlisle is in a very healthy position financially which is why it is a possibility. Brem said the town is looking to fund a sewer project. Participation in an existing state program gives the town a track record. The Board thanked Barton for his input and is willing to consider his proposal.

**ADMINISTRATIVE REPORTS**

Drug Take Back Program – The Hazardous Waste Collection is scheduled for 5/21/11 from 9-12 at the DPW facility. Clean Harbors will accept medication at the annual hazardous waste collection. The cost would be the same as a half or full car. The medication gets incinerated at a biological incinerator. The town will need to provide

a police detail and pharmacist to sort controlled substances. Police will need to dispose controlled substances. Fantasia will check with Carlisle Police and DEA to see if there is a cost for disposing of the controlled substances.

Blackboard Connect – test call was scheduled for 2/15/11 at 6:45. Both Fantasia and Risso received the call. Dave Flannery recorded the message. A full report will be available tomorrow.

Shelter Training Exercise – schedule for 3/10/11 in Wayland. It is open to staff, Board members and MRC.

Septic Odor Complaint – four complaints have been received about a sewage odor in the Curve Street area near Mill Pond Lane. Fantasia checked out the area with no finding. The Fire Dept has had three calls. They also notified the gas company. Both agreed that it was a swamp odor. The Fire Dept has asked residents to report odors to dispatch. It is definitely not a leaking propane tank. This would be an opportunity to use Blackboard Connect to notify residents in the area to report any strong odors or problems with septic systems.

PHER Spending Plan – the town has \$8180 to fund projects that address gaps in mass vaccination clinics as identified in after action reports from Region 4A. There will be a regional purchase of iPads as the region moves towards a paperless clinic reporting system. Galligan suggested prepaid sharps mail back containers. Last fall the state supplied large containers that now need to be discarded even though they are only ¼ full. This will require a one-time pick up. A better plan would be prepaid mail back containers. Galligan also suggested magnetic signs for private cars used for public health. The Board agreed to both. Fantasia will select other pre-approved items and get approval from Risso as Treasurer. The Region requires the spending plan to be submitted by 3/1/11 so it can decide how to use unspent funds.

Board Vacancy – Nilson informed the Board that she would not run for election in the spring. Family commitments and a new job are taking up much of her time. The Board expressed its disappointment that she would not be continuing and asked that she stay involved with Board activities. Brem will contact the other candidate who had expressed interest, Vallabh Sarma. There are two positions up for election – Brem’s for three years and Nilson’s for one year. The caucus is 2/28/11.

Clean Harbors Agreement – Clean Harbors is on the state bid list for hazardous waste collections. The Board reviewed the proposed Agreement. The collection is scheduled for 5/21/11 9-12 at the DPW facility. Set up cost is \$4500. A full car is \$48 and a half car is \$28. The Agreement cannot exceed \$8000.

It was moved (Risso) and seconded (Galligan) to sign the Agreement with Clean Harbors for the 5/21/11 collection. Motion passed 5-0-0.

164 Fiske Street – Board members signed the loan agreement previously voted.

**PROPOSED LOCAL NOISE REGULATION** – Present for the discussion was John Bakewell, Rutland Street, Ginny Lamere, Rutland Street.

Galligan had been working on a framework for a local regulation with Fantasia and Lamere, but it was not ready for distribution. The Planning Board is working on a Noise Bylaw but it will not be ready for spring town meeting. The Board agreed that it would adopt an interim regulation to be superseded by the Bylaw. The question of whether to adopt a construction noise regulation resulted from neighborhood complaints about the use of a hoe ram at Chestnut Estates last summer and fall. A hoe ram causes impulsive noise which is different from tonal noise. Impulsive noise can be very disturbing to people.

Galligan had offered to take the lead on doing the research and working with the Planning Board. She also has experience with industrial noise. Galligan said there are two ways for a local regulation to evaluate sound – qualitative or quantitative. Qualitative measurements are more subjective such as the ability to carry on a conversation at a certain distance. Quantitative measurements are more objective and possibly more defensible if challenged. They involve taking measurements with a meter by a trained person. The Board proceeded to discuss how the regulation would be enforced and by whom. The police can enforce General Bylaws. The Board has the ability to issue a Cease and Desist order. The Board agreed that certain circumstances might warrant allowing the

activity for a short time. The Board might allow a contractor to continue the noise for a one week but if a second week was necessary, he would need to prepare a noise management plan. In some cases it might be better for everyone to wrap the work up quickly rather than extending it over many weeks. Galligan proposed creating a checklist to make sure that appropriate measures were being taken to mitigate the sound; address concerns of neighbors and that all other recourses to do the work had been investigated. She said the Big Dig did something similar to mitigate noise impacts although on a larger scale. The trigger for Board involvement would be a complaint.

Brem said a local regulation with a built-in sunset clause of two years or upon adoption of a Town Bylaw proposed by the Planning Board would be appropriate. The consensus of the Board was that a Bylaw could be more comprehensive and use a quantitative approach. The interim regulation was a temporary solution. Brem said the point is to have something in place by mid-spring. Galligan cautioned that quantitative is easier to support since there are already standards. There is a cost associated for equipment and training. Qualitative may be harder to categorize and based on what works. Brem agreed that “affecting the quality of life” is vague. Nilson said having a conversation in a normal voice, while qualitative is measureable.

The Board discussed what would happen when a complaint was received. Brem suggested the following: (1) complaint would be checked out by the Board’s Agent and another Board member; (2) if justified the Board would call an emergency meeting after the minimum 48-hour posting to decide whether the circumstances warranted a cease and desist order; (3) all parties, including the Planning Board liaison, would be invited to participate; (4) work could continue until a meeting could be held. At the meeting the Board would have the following options: (1) no action needed; (2) submission of a protocol by the developer with conditions set by the Board that would result in the granting a waiver for the activity; (3) issuance of a cease and desist order following due process (4) appeal process for either party which would be to the Board of Selectmen. At the appeal hearing, the Board would need to present and defend its position. The Selectmen would decide the appeal. The Board was unclear on whether there could also be an appeal process to the courts. Fantasia will check. The Board discussed who could deliver the cease and desist. Fantasia said she had done them in the past. The police could also deliver. The Board agreed that while mediation could not be required it would be encouraged.

Lamere explained that she had copied much of her draft from various regulations. It is very comprehensive and probably more than the Board wanted. The Board agreed the draft would be a good starting point for a bylaw.

On the question of exempting municipal activity, Risso and Brem were in favor of an exemption only for emergencies. No decision was made by the Board. Board members also want the preamble to clearly state that the local regulation was intended as an interim product and would expire in two years or sooner if a General Bylaw was adopted..

Bakewell and Lamere were supportive of the Board’s plan. Bakewell felt it might be better to have a process to allow certain exemptions, rather than waiting for a violation. A developer who knows he will be doing these activities might prefer to get approval before starting. Brem said he could always do that by getting on the Board’s agenda for a preconstruction meeting. The Board agreed that the regulation should state that the Board encourages preconstruction meetings. Nilson did not want this to be misconstrued as Board approval of all activities. The Board should still have the ability to enforce the regulation regardless of the outcome of a preconstruction meeting.

The Board agreed to consider an initial draft at the next meeting on March 18. Public comments would be accepted. A vote could take place at the March 22 meeting. Galligan and Brem will work on the draft.

**887 BEDFORD ROAD** – replacement of a failed soil absorption system. At a previous meeting the Board had approved a design flow of 580 GPD. The plan was submitted 2/9/11 and is being reviewed by Rob Frado. The Board agreed that the proposed design met its requirements.

It was moved (Risso) and seconded (Caddell) to approve replacement of soil absorption system in accordance with plan entitled “Sewage Disposal System for 887 Bedford Road, Carlisle MA dated February 2, 2011” conditional upon a maximum number of employees limited to 29 in accordance with a design flow capacity of 580 GPD and addressing any deficiencies noted in the technical review. Motion passed 5-0-0.

There was no further business discussed. Meeting voted to adjourn at 9:15 pm.

Respectfully submitted,

Linda M. Fantasia  
Recorder