

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

Present: Board Members Jeff Brem Chair, Bill Rizzo, Mark Caddell; Cathy Galligan; Elizabeth Nilson Ostrow, also present: Linda Fantasia, Agent, Ann Marie Brako (Carlisle Mosquito); Priscilla Stevens (Carlisle Mosquito), Ginny Lamere; John Luther, Bill Mead

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

MINUTES – the Board reviewed and discussed the draft minutes for 2/15/11 which included an edit submitted by Galligan. It was moved (Galligan) and seconded (Caddell) to approve the minutes of 2/15/11 as amended. Motion passed 5-0-0.

Bills – It was moved (Rizzo) and seconded (Caddell) to approve the bills as presented for payment. Discussion - The bills include a nursing visit, cell phone expense which is grant paid, salary and wages. Motion passed 5-0-0.

ADMINISTRATIVE REPORTS

Blackboard Connect - The Board reviewed logs for the 2/15/11 test launch call which had an 87.9% successful delivery rate and the 3/4/11 rabies alert message sent to residences within ¾ mile of Heald Road which had an 88.9% delivery rate. Board members who received the call commented favorably on Rizzo's recording. The Board agreed that public health alerts should be done by a Board member. Board members will be asked in order of succession starting with the chairman.

Rabies Case – The Board reviewed a report prepared by Fantasia on the recent raccoon attack of an 11 year old resident. The raccoon tested positive for rabies. The child is undergoing post exposure prophylaxis. The *Mosquito* reported on the incident and the Board submitted a press release on precautions to take. Dr. Tiffany Rule, DVM, is preparing an article on rabies and wildlife. Dr. Rule is the volunteer veterinarian for the Annual Rabies Clinic. Fantasia said information from Division of Fish and Wildlife was also submitted warning residents to remove food sources such as bird feeders that attract wild animals, particularly bears coming out of hibernation. The DFW article also explained that the increase in swampy odors this year was a result of deep snow cover. The Board has received complaints about "sewage" odors along Curve Street and Mill Pond Land.

District Incentive Grant - The Board reviewed the final planning grant application for a regional public health nurse. Carlisle is classified as "willing to consider" with no commitment. If approved, a consultant would be hired to prepare a plan for an implementation grant. The Board is concerned that the regional benefit to Carlisle residents may not be significant. There are many services that Carlisle residents already have and others, such as a tobacco control program, they may not need. Carlisle's demographics, such as its aging population, may not be similar to other communities. Galligan said socio-economic services are a strong determinate of health, so Carlisle may be different from other towns and our seniors may have specific/unique needs. A regional approach could result in losing services for Carlisle rather than enhancing them. Rizzo is concerned about ongoing costs. The current nursing budget costs the town very little except when there is an unforeseen medical case. There might be a financial benefit if the cost of regionalization averaged out to the current nursing budget without cost overruns for special cases. Board members were skeptical that Carlisle will benefit from regionalization. A regional nursing program may have more to offer currently underserved communities.

PHER Funding (#5): EPB denied the snow rake, magnetic PH car sign and DPW maintenance of trailer. Approved funding of \$3409.70 (see list); also approved one iPad with data plan and \$1000 for consultant to do After Action Report.

Clearly Organized Business Solutions (#7) - The Board reviewed a proposal from COBS to facilitate a "Hotwash" and an After Action Report of H1N1/Seasonal Flu Clinics held in 2010-2011. This report will be incorporated into the Town's EDS Planning. Invitations will be sent to the MRC Ex Committee, town officials and MRC Volunteers. The estimate is for \$1875. This is slightly higher than the original \$1500. The Board asked Fantasia to see if the contractor can reduce the price. It was agreed that Fantasia and Rizzo would consult on a revised quote.

It was moved (Risso) and seconded (Caddell) to authorize the Health Agent to finalize negotiations for a contract with Clearly Organized Business Solutions and that three members are allowed to sign on the Board's behalf. Motion passed 5-0-0.

Brem said the Board would then take up its discussion on a proposed Noise Regulation and continue with discussion items later in the evening.

PROPOSED LOCAL NOISE REGULATION DISCUSSION – Present for the discussion was John Luther, Building Inspector, Ginny Lamere of Rutland Street, David Freedman of Kimball Road, and Bill Mead of East Street.

Brem explained the format of the proposed regulation which is based on Authority, Definitions, Presumptions and Performance Standards. The goal was to provide a process for dealing with a noise complaint. If a complaint was made about nuisance noise that existed for more than two days, two agents of the Board would evaluate the situation either from the property line or abutting property. If the complaint was deemed valid, a special meeting of the Board, in compliance with the Open Meeting Law, would be called. The potentially person responsible along with any interested parties would be notified of the meeting. After hearing the specifics, the Board could take one of three actions: (1) no action required; (2) conditions under which the activity could continue; (3) issuance of a cease and desist order. The Board's decision could be appealed to the Selectmen. Police and/or Board of Health would be authorized to enforce the regulation. The regulation would include an exemption for emergency work.

Brem said the purpose of the regulation is an interim measure until a bylaw could be developed. The local regulation would be based on a qualitative rather than quantitative approach since it would be temporary.

Board members agreed that their intention was to regulate all noise nuisance activity. References to demolition and construction would be removed from the draft.

Nilson questioned whether the Board had the authority to immediately issue a cease and desist if necessary. The Building Inspector did not believe this would be legal. He asked what would happen if the two agents disagreed about the nuisance. Brem said either could call a meeting of the Board.

Luther said that the initiating complaint appears to be from the ram hoe used at Chestnut Estates last summer. Initially it ran from 8:30-4 weekdays. He agreed the noise was terrible and ran longer than planned. He was concerned about using two people, who might have different interpretations based on tolerance levels, in deciding when the Board needed to intervene. He said the decibel level of the background would be important in making a determination. It can be very subjective and will sound different to different people. Noise levels are also different inside a house.

The Board agreed that people hear things differently, but some cases are beyond dispute. Since work will not have to stop until the Board determines what action is required, in many cases the work will be done before a meeting can be called. Galligan said one measure of sound levels is to be able to carry on a conversation at certain distances from the source. Luther argued that construction equipment is loud and there is not much you can do about it. Brem said this is why the Board is intent on getting the parties together so that something acceptable can be worked out. Nilson said there are limits to enforcing qualitative assessments and there can be grey areas. It is hoped that this regulation will help to elucidate a process for a future bylaw. Luther said that it can be very expensive for a contractor to stop a job. Brem agreed that the Board needs to be cautious about subjective data which could be considerably cost for a project. Nilson said OSHA has standards for worker protection such as requiring hearing protection for more than 80 db. There is research behind this data to support it which is something the Board should consider. Again Luther questioned how the Board would identify ambient levels which he feels are critical in deciding whether a noise is excessive. If he has a problem with a construction, he usually tries to work it out. Contractors are usually very cooperative. Nilson agreed that instead of stopping an activity, the Board should try to mitigate the impacts. Each situation may be unique. Luther said there are already limits on construction which cannot happen before 8:30 am or after 4:30 pm.

Galligan said it should be incumbent upon the contractor knowing that his equipment will cause a lot of noise to work something out with abutters and to even meet with the Board. Complaints should not be used to stop construction. If there is cooperation among all the impacted parties there should be no complaints. Even with a complaint, the contractor would still have a 48-hour window to finish up. This might be enough in most cases. Galligan had researched noise abatement activities used in the North End during construction of the Big Dig. For the most part they were successful. Sometimes simple remedies worked the best such as keeping equipment well maintained, using well trained operators, and muffling the sound where possible. DEP recommends parking vehicles between the work location and neighbors to mitigate sound levels. Galligan said the Board could consider using a working protocol to make sure the contractor was taking reasonable steps to reduce noise that might be injurious to neighbors. Nilson agreed that if a contractor anticipates a lot of construction noise for a long period of time, it would make sense to meet with the Board of Health and/or neighbors prior to starting work. Brem said that not all construction activity can be planned ahead. Sometimes there are unanticipated situations that occur in the field. Board members agreed that this could be the case. Brem said the purpose of the regulation is to provide a process for the Board to address a complaint. The Board would be inclined to get all parties to agree on a work plan. If they were not successful, either party could appeal the Board's decision to the Selectmen. Luther said any delay is going to cost the contractor money. Galligan felt the complaints the Board would choose to act on would be the ones that do not fall into a "grey area".

Brem then asked the audience for additional comments. Bill Mead of East Street and a contractor said that the engineering plan should show ground conditions from test pit borings. If the information is available ahead of time, it might be possible to mitigate impacts on the neighbors. How much rock there is, how much will need to be removed, and when blasting makes sense could be anticipated. Brem said this is only true for subdivision and septic plans. There are other kinds of construction that do not require soil borings. Risso said that the Board of Health and Planning Board could help to evaluate these sites. The Planning Board receives more information and could set conditions for large developments. Mead again said that good engineering should help to identify potential problems. The Board could require that abutters need to be notified in advance of the use of certain kinds of equipment just as they are for blasting. Ginny Lamere said that Chestnut Estates used the ram hoe for five weeks. This was far longer than should have been allowed. Mead warned that sometimes it is easier and faster to use a ram hoe than wait for blasting. In other situations, such as working close to a well or foundation, blasting is not appropriate. Risso agreed that excessive noise for one day would not be a valid complaint. It is part of getting the work done. Brem said that waiting two days for a meeting may result in the work being completed. He noted that the 1000' blast survey imposed by Planning Board for Chestnut Estates caused an unusual situation. Lamere agreed that a two day window would allow most work such as tree cutting to be done and the Board would not have to take action. Luther asked what would happen if the work then started up again for two days and could this become a series of stop and start. Lamere suggested allowing two days per location to avoid this.

David Freedman noted that the Planning Board had not had a chance to review the draft so he was making his comments as a resident. It appears to him that the proposed regulation is providing a framework for a bylaw. The Planning Board is looking into drafting one along with the Board of Health but did not feel it could be accomplished in time for this year's spring town meeting. It is good to have something in place in the meantime. He noted that by definition any ram hoeing automatically violates the regulation so why would people meet with the Board. Contractors will just come in and do the work. Operation of a hoe ram contradicts the presumptions stated in the regulation. Galligan said if there is no complaint there is no violation. Risso agreed that there is no violation until the Board decides there is a valid complaint. The Board would only act when the noise becomes a nuisance. Freedman thought defining what a nuisance is would be important. The Board agreed that if someone knows they will produce excessive noise for more than two days they should check with the Board of Health. Freedman thought it was a problem to have to wait for a complaint which requires involvement of the abutter. He also questioned why the regulation had a sunset clause. Even if the Planning Board prepares a bylaw, the process might still need to be spelled out in a local regulation.

Brem said the Board could deal with a noise nuisance now under state statute. The Selectmen also have this authority. Luther questioned whether the Selectmen would have the knowledge to make a determination. The Board agreed it was looking for an appeal resolution that did not involve going to court. Lamere did not think \$1000 per day was enough for a large development. The Board explained that statute limits the fine. Nilson had concerns about the qualitative nature of the regulation. She is uncomfortable with being able to have a conversation

at the property line as criteria. It was suggested that the Police could be called to witness whether a noise source was unbearable. Galligan felt it was important to identify the specific character of the town which includes a rural setting and sense of community. These could be devalued by noise. This was her rationale for including it in the preamble. Nilson said she would prefer to identify a measurable noise nuisance.

The Board agreed to make the changes noted at the start of the discussion. A final draft will be circulated to land use departments and town officials. The Board will consider voting on the final draft at the next meeting on 3/22/11.

ADMINISTRATIVE REPORTS (CONTINUED)

LHD TB Case Management - Fantasia reported on the TB Surveillance training she attended. The training was sponsored by the MDPH TB Surveillance Group. Dawn Olsen of Emerson Home Care also attended. The Board has been involved in a recent case that did not appear to be following the required process. Local Health Departments are responsible for following up on suspect/confirmed cases including Class A/B arrivals which require screening at a state approved facility. Fantasia spoke with the TB Clinic at Lahey Clinic and Olsen will work with the individual to make sure the evaluation takes place. The case was initially flagged by airport screening following an overseas evaluation. The case was reported to CDC who in turn reported it to the state. MDPH alerted the Board of Health that the individual would require further evaluation to make sure that there is no active infection. Once the individual has been evaluated a report will be returned to the state so that CDC can be notified.

Board Membership – The Board expressed its thanks to Nilson for volunteering to be on the Board. She will not be running for election in May because of family and work demands. The Board asked if she would agree to be the appointed Associate Physician. This position is required by Statute. The associate is a non-voting consultant to the Board. Nilson said she would be very happy to take on this position. She is also interested in volunteering for the MRC.

It was moved (Risso) and seconded (Galligan) to appoint Elizabeth Nilson-Ostrow, M. D. to the position of Associate Physician for the Carlisle Board of Health. Motion passed 5-0-0.

62 Lowell Street – a Certificate of Compliance has been issued on the repair. Brem said this was a good example of how to work with residents in a cooperative manner.

School Building Project – Risso reported that a temporary walkway for students was being constructed. Work on the site will begin shortly. A general land use staff meeting with project managers will be held. The Board of Health will receive copies of the blasting and asbestos removal plans.

FY11 Budget – the budget is in good shape. No overruns are predicted.

Community Gardens Composting – Caddell agreed to work on the guidelines, but not until April.

MAHB/DEP Annual Conference - Risso and Fantasia attended. Risso said it is clear that the state intends to turn over many of its responsibilities to local public health. His feeling is that if the issue is not important enough for the state to oversee it, why it still needs to be regulated. General topics of the conference included Title 5, alternative technology, and demolition and construction protocols.

Shelter Training – Fantasia attended the exercise along with Donna Margolies. One important point is whether to have a back up shelter plan. More work needs to be done on Neighborhood Networks since sheltering in place may be better for Carlisle residents.

Facebook – Fantasia asked about a Facebook page for the Board. Many communities are using social media for community outreach. It is particularly helpful with younger people. Fantasia had checked with the Town Administrator since the Selectmen would have to approve use of the town's website. The Board had a number of questions on how it would be managed. The Board agreed to table the issues pending more information. Priscilla Stevens said the Gleason Library has a Facebook account.

Next meetings – March 22, April 19th and May 10th. The election is May 17th.

Rabies Clinic – CCHS student volunteers are still needed.

Hazardous Waste Collection – 5/21/11 9-12 at the DPW facility. Clean Harbors will accept non-controlled prescription drugs. Fantasia will check with DEA about disposal of controlled substances. The Board discussed a number of items concerning the collection. Residents without stickers will not be allowed to participate. Large loads will only be accepted at 11:00 am. Residents will be asked to dispose of trash before going to the collection. Hazardous materials need to be readily accessible and residents will be required to remain in their cars. A notice will be posted at the transfer station the prior week and a press release will be run in the *Mosquito*.

There was no further business discussed. Meeting voted to adjourn at 10:00 pm.

Respectfully submitted,

Linda M. Fantasia
Recorder