

MINUTES OF THE BOARD OF HEALTH MEETING
June 4, 2018

PRESENT: Matthew Newman (Chair), Gary Fine (Clerk), Gail McSweeney (Member), Edwin Thorne (DMI Director), Sheila Landy (Secretary), James Garfield (Morse Engineering), Gayle Holmes (homeowner), Henry Holmes (homeowner), Andrew and Jaime Sullivan, (residents), Bob and Kim Dugan (resident), Stephanie Hagan (resident) and Cody Pajic (resident).

5:00 MR. NEWMAN OPENED THE MEETING AND READ THE STATEMENT REGARDING AUDIO RECORDING OF THE MEETING

SCHEDULED APPOINTMENT – James Watt – Regarding well regulations

Mr. Watt did not appear and the meeting continued.

BOARD ACTION – The Action to accept the Minutes of May 7, 2018 and May 21, 2018 was tabled as they were not ready.

SCHEDULED APPOINTMENT – 8 To Educate

Chair Newman asked Mr. Fine if he wanted to continue the program he started when he was Acting Chair. Newman stated he enjoyed the segments. Mr. Fine stated he never got any feedback regarding the segments. Fine wanted input from the other members. Newman said he enjoyed it and learned from it but he didn't have the time or the connections to reach out to people to get them to come in. Newman asked Ms. McSweeney if she was interested in continuing. McSweeney stated she wouldn't have any time until the fall. When asked by the Chair if she wanted it to continue, McSweeney said fully. Newman said for the record, he appreciated what Mr. Fine did. Fine asked Newman if he found the segments useful. Mr. Newman said yes. He then asked McSweeney if she found the segments useful. McSweeney said she wasn't educated enough about it to know. Newman explained Mr. Fine just brings in people from the community and/or town government (such as the police chief) to explain what they do or what is important to them. McSweeney asked where does this take place. Newman said here. McSweeney said when was the chief here? Fine said he wasn't and listed some of the people that had come (Mr. Stone, Shayne McGlone). Newman stated he would not continue it himself but Mr. Fine or Ms. McSweeney could. McSweeney said she would like to see it continue in the fall adding people that work in the Board of Health field (installers, septic topics, etc.). It was decided to bring it up again in the fall.

NEW BUSINESS – The Summer Schedule

Chair Newman stated he would like to get the summer meetings in sync with the Selectmen's Meetings to accommodate DMI Director Ed Thorne's schedule. Instead of meeting on June 18, Newman stated the meeting would take place on June 25. He stated the topic of streamlining variance requests would be taken up at that meeting. Newman requested the staff (the Health Agent and Secretary) to develop a list of routine variances that could be signed off by the Health Agent to expedite the time it takes to get a variance approved, especially with the summer schedule. McSweeney stated the DMI was supposed to allow cross training to prevent work stoppage due to vacations, etc. Mr. Thorne gave the Selectmen's schedule to the Board: June 25, July 9, July 23, August 6, August 20 and back to weekly on September 3rd. The Health Agent explained with vacations of the staff and the Board, consumers could be held back for a month in order to get a routine variance approved. The variance is submitted with the plan by an engineer. Pembroke's review engineer, David Primmer, reviews the plan and signs off on it. The Health Agent reviews it again. The Health Agent stated if it pleases the Board, she would make a list of routine variances and they could vote on it at the next meeting. Mr. Fine stated he was confused, are we discussing schedules or variances? Mr. Thorne stated it would still be twice a month during the summer. The Health Agent said the change is just to get all the Board schedules on the same Mondays to save the money it costs to keep the building open for one meeting. McSweeney said it was fine to adjust the schedule to coincide with the Board of Selectman meeting but would like the meetings be at 6pm. As for variances to speed the process, McSweeney requested emails to keep the Board updated on such activities so they can come in, look at the variance and feel comfortable with the approval. Mr. Fine stated at first blush he is against it. He wouldn't rule it out in the future but feels it is a

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slippery slope. The Board is young and he would prefer variances stay the same. McSweeney reiterated she would prefer to approve the variances by email if it would be an issue to hold the variance until the next meeting. Newman asked Fine if he was ok with moving the meeting to 6pm. Fine said he was ok with changing to 6pm.

SCHEDULED APPOINTMENT (5:15) – James Garfield, Morse Engineering, Septic Variance Request

Garfield was representing homeowners, Gayle and Henry Holmes, for the septic design plan for 1 Lydia Ford Way. The home has a 1,500 gallon tank, a distribution box two leaching pits and failed Title V Inspection.

The variance requests are:

1. To allow the reduction from 100' (required) to 83.1' (proposed) between the SAS and a private water supply well.
2. To allow the use of one deep hole to characterize the soils in the SAS area.

The private well belongs to the abutting property and is her only water supply. There is town water available in the area but the homeowner declines to connect to it. The abutting property has its own cesspool within 40' of its well. The Health Agent stated the proposed system is situated as far as possible away from the well and the property is just too small. McSweeney asked if there was a barrier wall around it. Garfield said not but it could be added. McSweeney said she would like to see it to protect both parties. Fine asked what the cost of the membrane would be. Garfield guessed it would be less than \$100.

Chair Newman asked for a motion. Fine made a motion to accept both variances as written. Ms. McSweeney amended the motion to include an impermeable barrier between the SAS and the private well and then seconded Fine's motion. All were in favor.

SCHEDULED APPOINTMENT – Andrew Sullivan – Plastic Bag Discussion

Andrew and Jaime Sullivan, (residents), Bob and Kim Dugan (residents), Stephanie Hagan (resident) and Cody Pajic (resident) Andrew Sullivan appeared before the Board requesting the Board's support to put an Article on the Fall Town Meeting warrant banning single-use plastic bags. Several spoke for a plastic ban. Chair Newman thought it was a no-brainer to put it on the Fall Town Meeting Warrant. Fine disagreed. Mr. Thorne said it is in Plymouth and there are no problems. McSweeney is all for recycling part and the environmental part. She would like to go to some of the other towns and talk to the people she knows there for the pros/cons. She asked why they are not able to go to into the single stream. Ms. Hagan stated they can't because the jam the machines. Single use bags are very hard to recycle. Fine would like a subcommittee be formed and have a grassroots movement to get it to Town Meeting. He does not think the support is there to just move it to Town Meeting. The Chair asked Fine the makeup of the subcommittee he was going to form last fall. Fine said 5 or 6 members including the Health Agent, Cody Pajic, three other folks, and member of the Board of Selectmen. Sullivan was happy to hear Fine's efforts and asked to join forces. Fine was concerned with the subcommittee being too large. Sullivan asked what it takes to get an article on the warrant. The Health Agent said one hundred signatures is all that is needed. Thorne said not to worry about the size as it is only for a few months. Sullivan thinks the momentum is there. The Chair would like to discuss it again at the next meeting. McSweeney wants more information to educate the people as to what is actually happening, perhaps through the schools (the children and their parents). Fine says the Board of Health needs to be involved. He currently opposes the bylaw as written. He would like to discuss at the next meeting the selection of members of the subcommittee. Discussion continued about two subcommittees or merging them. Sullivan would like an answer so they can get a grassroots movement going in order to gather signatures if needed. McSweeney asked Fine what part of the bylaw he disagreed with. Fine said he was not prepared to do so. Sullivan said the bylaw could be tweaked to make it fit Pembroke. The Chair said he was for it, Fine is against and McSweeney is in the middle. The Chair asked if Fine would have a revised bylaw with his subcommittee to submit to Town Meeting. Fine said he couldn't answer that. Fine went on to say he is not necessarily opposed to the bylaw. He is opposed to Pembroke just doing what other towns have done. Just because Duxbury or Marshfield does something does not mean Pembroke should. Thorne said the towns that

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have passed a ban on plastic bags, per capita, are more educated. They know something. The Health Agent stated the Board can sponsor a bylaw without supporting it. They can just put it out there for Town Floor action. The Chair thanked them for their time and said the Board would discuss it at the next meeting.

HEALTH AGENT'S REPORT

The Chair asked the Health Agent for an update on the Fieldhouse.

The Fieldhouse – Appearing before the Planning Board tonight. They do not have a final site plan approval. They are ironing out the details of a retaining wall, additional parking (as much as 80 additional spots than what is currently there now) and drainage issues.

At this time, the Chair returned to the Agenda.

BOARD ACTION – 25 Cedar Terrace – Variance Request

The Health Agent said this property is small. The variances requested are for setback variances. The system is close to the house but does meet setbacks for the abutters. McSweeney made a motion to accept the local variance to allow S.A.S. to be sized using maximum feasible compliance of 426gpd and local upgrade variance reduction in the required setback cellar wall to S.A.S. from 20' to 16' and reduction in the required setback cellar wall to septic tank from 10' to 7'. Chair Newman seconded. The Chair and McSweeney voted yes and Fine was opposed. The motion passed.

Mr. Thorne stated he had to leave for another meeting. He suggested the Board change their schedule to coincide with the Board of Selectmen to facilitate staff preparation. Mr. Fine has for some clarification of what the Board is going to do about the plastic bags. Thorne asked about the makeup of the committee Fine had started to setup. Thorne suggested he add two members from tonight's meeting. Chair Newman said the Board should sponsor an article for the Fall Town Meeting. McSweeney said it was an important issue and reiterated we should get the information out through the schools. She said we should be able to fine tune the proposed bylaw into something that is acceptable to all parties. Thorne agreed. Newman asked if he had to form a subcommittee. Fine said no, it was already done. We have a subcommittee. The Chair asked Fine if his plan or goal was to move on this in the next two months. Did Fine think it was possible to develop a bylaw? Fine said he has never formed a subcommittee that submitted anything to Town Meeting but that would be his goal but he wasn't going to sit there and say yes, absolutely. The Chair urged him to stick to it. DMI director offered the full support of the DMI department and staff.

HEALTH AGENT'S REPORT (cont.)

Pembroke Hospital – The final application has been turned into the state and they are waiting for final approval from the state. We are informed of the status of the project as a courtesy. The state is handling all inspections, etc. The Health Agent has been invited to the site to check out the process as it is in the Town.

Columbia Road – The perc for this property have been completed. We are waiting for engineering plans. So far, field two is holding. The Health Agent is not sure if just the failed field will be replaced or both.

Office Activity – The office has been a mad house. We are seeing the classic summer rush.

The Agent asked if anyone had any questions. Mr. Fine asked about the daily log submitted with her report. He said he was not the one that asked for a daily log but now that she does one, he would like to see the length of time of the various activities she conducts. He doesn't want to time manage it but would like to see how long these things take. Secondly, he likes Health Agent report. He would like to have it in writing every week in addition to the oral report she gives at the meeting. The Health Agent responded she would be happy to do so but she would like the Board to prioritize the additional things they would like her to do. They have added research on the plastic bag initiative among other things. These take time. Some weeks it is not a problem and other weeks, it will be difficult to do both. Fine stood by his request. McSweeney said more information is better. The Health Agent said she can do the Health Agent report for each meeting. She respectfully asked to be removed from the plastic bag committee. If the report is a priority, and she understands why, she needs more time to do it for every week. The Chair said he is in the office often and

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sees the activity in the office. He believes the staff is stretched. He said he is ok with how the report has been done in the past. Newman said Fine needed the Health Agent for the plastic bag bylaw. Could the Report request wait until have the plastic bag ban has been put to rest? McSweeney said it is very important for the Board members to know what is going on. McSweeney stated she didn't know about the condemnation at the last meeting until the meeting. The Agent said all the information went out in an email the Friday before the meeting. McSweeney said it is good to have a log and Fred Leary always submitted a log. The Health Agent disagreed. She was on the Board when Leary was Health Agent and she never received a report. McSweeney said she helped him write one weekly. The Agent said she never saw one. Fine said he has been a big proponent of the Health Agent and her job performance. However, respectfully, when the Agent says she doesn't have time to write up the report when she has been writing the report for six months, that if told to write the report, he does not believe she will not have time for the plastic bag committee. The Agent said the projects take time. Perhaps, the Board would prefer she step off the other boards she is on (LSAC, PEMA) to create time. At some time, something has to give. The Health Agent said she will give it a shot but she is worried about the quality of the work produced.

OLD BUSINESS

LIVESTOCK

McSweeney asked to table the livestock discussion. Chair Newman agreed and said more research should be done. Fine disagreed. He doesn't want to drag it out forever. The Chair said it would be tabled until the next meeting. He would like to try and get some local agricultural experts in to discuss.

Chair Newman stated the next meeting was June 25 at pm.

The Chair made a motion to adjourn. McSweeney seconded and all were in favor at 6:55pm.

Matthew Newman
Chair