



Acton Board of Health

Meeting Minutes

December 5, 2023

7:30 PM.

Hybrid Meeting Room 204 Acton Town Hall and via Zoom

Present:

Members Present: Mark Conoby, Chairman

Virtual Members Present: Mike Kreuze, Dr. William Taylor and Dr. Rekha Singh

Staff Present: Matthew Dow – Interim Health Director and Felix Garcia

Others Present: Sam Bajwa, Komal Bajwa, Alissa Nicol – Select Board Liaison, Jim D'Agustine and Paul Kampas

Others Present Virtually: Call-in user #1, Melissa Davis, Tammy Fisk and Brian Trombly

1. Opening

Chairman – Mark Conoby opened the meeting at 7:37 P.M. A script was read that was provided by the Town and this meeting of the Board of Health was called to order.

2. Regular Business

Board Members Future Agenda Items

Schools – Waste Water update

Health Director Update

Mr. Dow provided an update to the Board that the Health/Human Services Director position had been posted Wednesday 11/22 and that the Town Manager Mr. Mangiaratti will start reviewing resumes next week.

Mr. Dow mentioned to the Board he conducted an inspection of the Minutemen Inn last week and all of the previous issues have been corrected. The kitchen now has a working stove and the back area has been cleaned out. The State agency has started bringing in food. Mr. Dow also updated the Board that he reached out to the Concord Health Department about issues they have encountered with the shelter for migrants they have in their Town. The biggest issue from a public health standpoint was the garbage not being picked up as frequently as required. Mr. Dow said he called the owners of the Minuteman Inn and asked them to increase the frequency



garbage is being picked up as well as to increase the pumping of their septic tank due to the added occupants at the Inn.

Mr. Dow also stated that it is online permitting time, and the Board of Health is asking all establishments and operators to renew online with the Towns new online permitting software Open Gov.

Nursing Director Update

Benchmark at Robbins Brook has 0 COVID cases.

Lifecare has 1 COVID case, began outbreak testing with 2 additional cases on 12/4. They are on outbreak testing for the next 7 days,

Mr. Dow updated the Board that the schools are no longer tracking COVID cases. DESI and the schools stopped tracking last school year.

Other

The Board asked for the Health Division to drive by the Minuteman Inn and keep an eye on the garbage and if it becomes an issue to reach out to the owners.

The Board asked the Health Division and Nursing Services to reach out to the schools to gather any flu information they may provide.

Haffner's Energy – 68 Central Street – Hazardous Materials Permit

Mr. Dow stated that Haffner's, located at 68 Central Street, Acton has applied for a Hazardous Materials Control Permit and has recently worked with Town Staff to come into compliance with the requirements the Board has set forth. Melissa Davis, Compliance Officer for Haffner's Energy spoke to the Board that they will be essentially doing the same operation as the previous owner Concord Oil was doing. She did mention that the one difference from the previous owners is that 4 vertical tanks have been taken out of operation and properly closed down. The Board wanted a new condition placed on the property that the vertical tanks be securely locked and inspected by the Health Division. The Board also asked the applicates to take necessary precautions during construction to maintain safety and to either barricade or fence areas not in use. On a motion made by Mr. Kreuze, seconded by Dr. Taylor, the Board voted to accept the hazardous material control permit with the conditions noted and modified. The Chair took roll call and the vote passed unanimously.

Paul Kampas – Banning Gas Powered Leaf Blowers



Mr. Dow introduced Paul Kampas to the Board. He is an Acton resident who is looking to ban gas powered leaf blowers. Mr. Kampas spoke about gas-powered leaf blowers (GLBs) having long been known to be a detriment to both public and occupational health in two ways. First, they create a hazardous amount of noise for the operator (104dB) as well as an annoying and stressful amount of noise for those in the area (75dB). Second, they create a staggering amount of air pollution. Operating a GLB for one hour creates as much smog forming air pollution as driving a typical family vehicle 1,100 miles, the distance from Boston to St. Louis. Per unit time, a GLB emits 300 times the amount of non-methane hydrocarbons, two times the amount of nitrogen oxides, and 23 times the amount of carbon monoxide as a 450Hp, 5,757-pound Ford F-150 Raptor pickup truck. Mr. Kampas spoke about battery-powered leaf blowers (BLBs) having improved in performance, affordability, and choice, creating a viable alternative to GLBs. In addition, their operating costs are vastly lower than GLBs, paying for themselves in just 8.5 months. As a result, many towns and regions have begun phasing out GLBs. Washington DC banned GLBs starting January 1, 2022. Lexington MA approved a bylaw in November 2021 authorizing the phaseout of GLBs, which has already begun. Mr. Kampas has started an initiative to do the same here in Acton, and has received favorable responses from the Select Board, the Green Advisory Board, the Department of Sustainability, the Department of Economic Development, and Green Acton, among others.

Dr. Taylor had a question for Mr. Kampas about battery powered leaf blowers and if that means they are a 4cycle engine. He answered that they are not gas powered at all, they use an electric motor, which creates the wind force. Dr. Taylor asked about the phase in and what other towns are doing to replace gas powered with electric. Mr. Kampas mentioned that normally there is a 2-year lead time to make the transition. Mr. Kreuze stated he thinks this is a great idea, and thanked Mr. Kampas for bringing it to the Board of Health. Dr. Singh asked Mr. Kampas if the battery powered leaf blowers would still have noise and vibration issues. Mr. Kampas stated that battery operated leaf blowers are fundamentally 10 dB lower and the electric motors have no vibration. Mr. Conoby asked if this pertains to backpack blowers, handhelds; as well as ride on blowers. Mr. Kampas stated that the ban excludes the large 4 cycle ride on leaf blowers for lots larger than one acre. Mr. Conoby stated to keep it simple and either allow the large sit on blowers or not, do not get into acre size as it would be difficult for enforcement. Mr. Conoby stated that there is an environmental benefit to this, but there is also an economic realization that not everyone can afford to do it today. Call in User 1 asked the Board to please endorse the concept as it helps Mr. Kampas moving forward. The Board thanked Mr. Kampas for coming in and presenting this topic.

92B Willow Street – Update / Order and Enforcement

The Board asked Mr. Dow for an update on 92B Willow Street. Mr. Dow stated that the speedy trial was denied at the hearing in November and the next trial date is scheduled for January 24, 2024. Mr. Conoby stated the Board can accept the information to date, act if they want; because there is no stay or court order precluding that or the Board can just take no action and wait until the next Board meeting. Dr. Taylor asked about the fines that the Board sent the owner. Mr. Conoby answered the fines are stayed until the property is vacated pending the appeal.



Mr. Bajwa, owner of the property 92B Willow Street spoke to the Board. He mentioned that he was at the hearing back in November and that he said the Judge was questioning why the Town has not executed the condemnation order yet. Mr. Bajwa continued to inform the Board that the Thompsons are paying the court ordered rent amount into an escrow account. Mr. Bajwa stated the Judge ordered the Thompsons to pay their lawyer fees for the previous date; where the lawyer prepared for trial and the Thompsons did not show up.

Mr. Conoby stated the Board needs to look back at the prior housing code, because that's where the action was brought under. Mr. Conoby mentioned the specific housing code section, 105 CMR 410.750; that talks about conditions that shall be deemed to endanger or impact health or safety. Mr. Conoby mentioned the Board has condemned the property and ordered to vacate. The Board can also order to secure the property. The regulation states; no dwelling or portion which is ordered to be secured, should be occupied without the prior permission or upon the Board's written, finding that the dwelling or portion thereof that is occupied is fit for habitation. The second part of the regulation which states, in order to secure, allows a demolition provision; the timeline of one date from one year from the order. Mr. Conoby mentioned that it would be a good idea for the Board to meet with Town Council in an Executive Session to get some straight answers and information on what is going on with this case. Call in User 1 stated she objects to the Board taking Mr. Bajwa's interpretation of the previous court hearings and what the Judge said or didn't say as fact. Mr. Conoby stated this needs to come to some decision soon, and members of the Board agreed. There is consensus from the Board that there will be two agenda items on the next meeting. One will be an update / order and enforcement and the second will be an Executive Session with Town Council.

Minutes – November 7, 2023

On a motion made by Dr. Singh, seconded by Mr. Kreuze, the Board unanimously voted to accept the minutes of November 7, 2023, with corrections. The Chair took roll call and all were in favor.

Adjournment

On a motion made by Dr. Taylor, seconded by Mr. Kreuze, the Board unanimously voted to adjourn at 9:13 P.M. The Chair took roll call and all were in favor.

Next Meeting

The next Board of Health meeting will be on December 19, 2023

Documents and Exhibits Used During this Meeting;

- Town of Acton script for boards and committees opening meeting
- Board of Health agenda
- Haffner's Energy information
- Paul Kampas Slides on banning gas powered leaf blowers
- Board of Health meeting minutes from 11/7/23



Respectfully Submitted,

Matthew R Dow

Matthew Dow
Interim Health Director

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Mark Conoby, Chairman
Acton Board of Health