

JESSICA COLLINS, Chair  
WALTER R. WOLF, DPM, Vice-Chair  
KAREN WALSH-PIO, Clerk  
LINDA DUGUAY, RN  
TONY JUDGE

SHARON D. HART, Public Health Director

## Board of Health Minutes

June 10, 2020

As Approved – June 16, 2020

Present: Jessica Collins, Chair; Walter R. Wolf, DPM, Vice-Chair; Karen Walsh-Pio, Clerk; Linda Duguay, RN; Tony Judge; Sharon Hart, Public Health Director; Jennifer Jernigan, Assistant Public Health Director

*Jennifer Jernigan alerted all present at the virtual meeting that it was being recorded and started the recording.*

*The Board of Health Meeting was called to order at 4:32 by Jessica Collins.*

### **1: Acceptance of Minutes:**

Collins wanted to make a motion to accept the minutes from March 11 and May 13, 2020. Wolf brought up that the minutes could not be approved at the last Board of Health meeting because the only person currently on the Board from that meeting is Collins. Hart stated that the Town Administrator was consulted on the March 11, 2020 minutes issue. The Town Administrator said the minutes could be approved because it is just basically being said that the meeting took place.

Dr. Wolf then made a motion to approve the minutes from both the March 11 and May 13, 2020 meetings. Duguay seconded. All were in favor.

### **2: Announcements/Open Forum:**

There were no announcements or open forum items.

### **3: Director's Report**

Hart asked for questions on the report. There were none. Collins then asked for high points of the report. Hart then reviewed contract tracing, tracing follow-up, differing contracts that are up for renewal and the department's daily work. She described how the department's regular work must go on while the work added from the pandemic is also a priority. Hart has been dealing with lots of conference calls and ordering more and more COVID-19 supplies.

Regulations are changing daily on what can open and cannot open and how they can open. Businesses that are allowed to open often don't have their COVID-19 Control Plan in place. Many thought that because they are essential, they did not need one, but they do. Then the Health Department can be asked to review the plans for the business.

Collins asked for the COVID-19 counts to go to the Board of Health as well as the Selectboard when they are sent out. Hart will do that. How the counts work was then reviewed. It is a cumulative number. The work that the Waste Water Treatment Plant is doing with Biobot was reviewed in terms of COVID-19 counts.

Collins wanted to know if the Health Department was referring any of the cases to Partners in Health. Hart stated that none are being referred. They are being handled in the department. A grant was received to cover the extra work done by the Public Health Nurse. Hart is salaried.

### **3: New Business: COVID-19 Impacts and Re-openings**

The Board did not have any questions on this topic. Hart had already touched on this a little bit. Collins stated that it was helpful to hear the last meeting on the question about the Mount Holyoke College grounds being closed to the public and how this is not a Board of Health jurisdiction. The South Hadley Swim Club, as well, is nothing that the Board votes on. They send in a COVID-19 Control Plan as well as an application for a permit. It gets reviewed by the Health Department and then a permit is issued once they are all set. It is nothing that the actual Board of Health votes on.

Wolf asked about the status of the South Hadley Swim Club permit. The workflow of the COVID-19 Control Plan was reviewed as this is needed now before a permit can be cut. Once that plan is approved, and the building inspector has passed his required inspection, the permit can be cut. Jernigan explained that Kerry Cordis from the Y is currently working on the plan and should have it turned in to us in a day or two for review. Hart stated that Riverboat Village is not even opening up their pool this season as the plan is so intensive and the need for staff so great to actually put the plan in motion.

Collins asked about the status of the town parks opening. What is the Board of Health doing in regards to reopening the parks? Hart told her that it is up to the Town Administrator and the Recreational Director to decide when they will open. There are cleaning and personnel issues that must be addressed in the COVID-19 Control Plan, as well as the funding to do that.

Restaurant oversight was then discussed. Outside dining and plans were discussed with the Board and how the Health Department is overseeing that.

#### 4: Old Business: North Pole Estates

Hart had given a summary of what happened in the past with the perc tests and preliminary plans by sending an email to the Board the other day. She then covered where the Health Department is in the process currently. The third-party review is currently in process. The plans being reviewed are the **initial** plans to make sure that houses with septic tanks can be built there. Each **individual** house's septic plan will need to be reviewed after this **initial** plan is approved. Per Director Hart, our authority is limited to Title 5.

Judge asked if Hart is saying that the Board of Health would not accept the definitive plan because of deficiencies in it? Hart responded that is not what she is saying. What this third-party review is saying is that the lots are percable at the elevation that they are at. That elevation can't be changed without another perc test being done. Then the individual homeowner must apply for a septic permit and it is based on the elevation and location that the perc was done at. If the homeowner decides to change the location from the initial plan, then more percs would need to be done then. The Planning Board, at this point now, needs to know that the soil is percable and that houses can be put in there.

Judge stated that since he has been on the Board of Health, he has heard of continuing concerns about North Pole Estates. He wanted to know if the Board of Health was signing off on this in advance of the Planning Board's consideration on Monday. Hart stated that no, she had just sent the plan review over to Harris in Planning and is waiting to connect with him on it. This third-party review is just basically saying that the lots perc and that we would like to have an elevation at each one of those perc locations. Judge asked if that was our only consideration. Hart responded that when we went to two town counsels, they both said that our purview is limited to Title 5. Collins gave us a letter from another attorney that our purview goes beyond that. The Town Administration is now checking on that for us with the Town Attorney. Hart stated that she feels the Board could give recommendations to the Planning Board. Judge asked if the Board of Health can comment before the Planning Board approves their part. Hart stated that if they have public health data and can back up their concerns, that would be important. Collins is going to speak to that in a minute. Judge said that he cannot imagine anything more fundamental than our drinking water in terms of public health. Hart stated that the oversight to drinking water and Title 5 is the Department of Environmental Protection (DEP). DEP has already put out guidance on Title 5 systems in a public drinking water area and North Pole Estates has met all the DEP requirement. Going beyond this, according to Town Counsel, is a little bit of a concern, unless you have health data that backs up these concerns. Duguay stated that according to the hydro-geological survey, they met all criteria. They were not going to be contaminating the soil or water based on where the bottom of the septic systems and top of the water table are. They gave them a pass on everything. Of course, the septic systems must be done correctly.

June 10, 2020

Collins said that the concern for the Board of Health is the actual excavation of the sand first and then they build the subdivision. She asked the Board to correct her if she is wrong. The subdivision is secondary to the excavation of the sand. She asked Hart if she was basing her projections on the sand that there is now or on the projected removal of the sand which lowers things nearer to the water table. Hart said it is based on where the elevations were on the paper and where our perc tests were. Those perc tests were located all over a good portion of the property. Those elevations need to be documented. This will be up to the Planning Board to decide whether they can take out more and that would be another go around.

Collins said that this was one part of it. We have the third-party analysis of the Title 5. That's our lane they were told. But we also have this other letter from a state-wide group that provides technical assistance to local Boards of Health. They are saying that other Boards of Health are now talking about traffic and environment. Things are changing with Board of Health in the twenty-first century. We are waiting to hear from our town attorney now on this. In the meantime, Collins mentioned a letter that she, Wolf and Dietzen had submitted to the Planning Board in regards to the preliminary report. This was back last May. In that letter it called out four or five things: Title 5, pesticides, etc. In the hydro-geological study, which was required by the Planning Board, Sharon sent this link to a matrix, broken down by sections. There were several sections that were adequate, but many more were not and more information was required. When Collins asked the Board if everyone got a chance to look at this link, they said they did. Collins stated that they have received memos from a couple of their constituents that have been a part of this with the Board of Health for many months now, requesting that the Board of Health participate in the Planning Board hearings on North Pole Estates being held on June 15 and June 22. They stated that the Board of Health had called out several items of concern on the preliminary plan beyond Title 5. Now based on the hydro-geological study where some of the items there are inadequate or the Board of Health is concerned about them, these constituents want the Board of Health to make a statement to the Planning Board.

The Board considered how to handle this request. Collins will forward these memos to all Board members. Hart suggested listing items of concern and then send them to the Planning Board. She asked if they want signage placed in the subdivision that this area is a drinking supply area? Are there concerns about fertilizer being put down? Judge stated that the peer reviewer offers a long list of concerns. They could use the list of deficiencies and pick out of their Board of Health concerns. He feels that the Board of Health is the ultimate arbitrator. The Board of Health needs to be satisfied with this project. Collins just forwarded the petition to all members. Judge asked if the third-party review was paid for by Chicopee Concrete and he was told that yes, it had been paid for.

*As Approved* – Board of Health  
Meeting Minutes  
June 10, 2020

Wolf asked about the peer reviewer, Weston and Sampson, and talked about the deficiencies in the report mentioned by Judge. He feels that Chicopee Concrete should not be allowed to excavate any more, if that is possible. He also feels that the Board should send a letter on the deficiencies raised by the Weston and Sampson report. In that letter it should state that the Board of Health still has concerns like they did previously. Wolf was happy to see that the lot number has decreased. Wolf agrees with Judge that this process should be slowed down until everyone is sure that this will not affect our drinking water. It will be the Planning Board's responsibility to address all those deficiencies mentioned in that Weston and Sampson report. Wolf stated that the Board of Health should draft a letter that they still have concerns like they did previously. They could put in the letter that they are happy to see the lot number decreased but after seeing report by Weston and Sampson, they still feel there are multiple inadequacies that need to be address before the Board of Health could ever approve of this project. Collins stated that this letter should also include wording about the elevation issue based on our third-party review. Hart agreed.

Collins stated that we have this idea of Wolf's on the table now. It is up to the Board to decide out of that report what they want to see, per Hart. Based on the Title 5 report, Hart can give some language for the elevation part. The Board then discussed the inadequacies of the Weston and Sampson report.

Collins stated that she needs agreement from the Board to write the letter. Hart stated that they need agreement as well for the content of the letter. Collins or Wolf could come up with the letter and send it to Hart. Then she could share with all Board members for review and any changes. Hart stated that we could have a Board meeting next week to go over the letter proposed. Judge stated that it would be good if the letter could go out to the Planning Board in advance of their June 22, 2020 meeting. Collins stated that on Monday night, the Planning Board is talking about the hydrogeological section of the Weston and Sampson report. Hart will ask Harris in Planning if they can wait until the June 22, 2020 meeting for a Board of Health letter.

Collins offered to submit a letter tomorrow to the Planning Board that states that the Board of Health still has concerns that are similar to the preliminary letter sent. We will be getting to you a more descriptive response based on the Weston and Sampson matrix and here is the results of the third-party analysis of the Title 5 and we can put in the language on the elevation. So at least they get something from us with the understanding that we will be sending something more specific. Wolf, Judge and Duguay were all in agreement.

*As Approved* – Board of Health  
Meeting Minutes  
June 10, 2020

Wolf made a motion that they do this preliminary letter exactly as Collins proposed so they can move it along. Duguay seconded it. All were in favor. Collins will draft the letter and run it by Hart tomorrow. Collins asked Hart to put in the language about the elevation. She said she will do that and then run back by Collins. Then Collins and Hart can hopefully get the letter to the Chair of the Planning Board and Harris in Planning by tomorrow.

The Board then discussed when to meet on the expanded letter. It was decided that the Board should meet next week. Hart will follow-up with Harris on time sensitivity, in the meantime. Walsh-Pio cannot meet next week. Walsh-Pio will review the letter and then can comment back to Hart on the letter and then it may be able to be incorporated if all Board members are ok with it. Once the expanded letter is approved by the Board, it can be voted on and then submitted to the Planning Board.

**The next meeting of the Board of Health was set to: Tuesday, June 16, 2020 at 4:30 p.m.**

Collins asked that the Board read the petition from Robert, Kathy and Rudy in the meantime regarding virtual meetings being open to the public. Judge wants us to think about having public meetings. The use of a spreadsheet that goes to the Board of Health for questions was reviewed, like the Planning Board utilizes. Collins agreed that if the Planning Board utilizes this system, we should. Hart stated that unless we are having a public hearing, this is the new COVID-19 hearing process. We asked Doolittle in the IT Department and the Town Administrator and they said that what we could do is go forward with the form Jernigan was talking about. Collins asked if we use this form for next week or the July meeting. Jernigan said she is waiting on help from Doolittle and as soon as she can get it up and running, she will. Hart stated to ask Harris for how they do it. Jernigan said she would do that.

## **7: Adjournment:**

Dr. Wolf made a motion to adjourn the meeting at 5:44 p.m. All were in favor.

Respectfully submitted,

Jennifer J. Jernigan  
Assistant Director of Public Health

*As Approved* - Board of Health  
Meeting Minutes  
June 10, 2020

**ATTACHMENT A**

<b>DOCUMENT</b>	<b>RECORD LOCATION</b>
System Pumping Records	BOH File
2019 Consumer Confidence Report – South Hadley Fire District No. 2 Water Department	BOH File
Mass Dept. of Environmental Protection – Bureau of Waste Prevention/Solid Waste Management (Third Party Inspection Report) Operation and Maintenance 12/18/2019	BOH File
Septic Pumping Records	BOH File
28 Cove Island	
89 Mountainview Road	
101 Woodbridge Street (2)	
113 Amherst Road	
30 Upper River Road	
502 Amherst Road	
5 The Knolls	
152 Pearl Street	
2 Lithia Springs Road	
590 Amherst Road	
28 Cove Island	
490 Hadley Street	
4 Cove Island	
136 Woodbridge Road	
6 Chatham Way	
1 Alvord Street	
514 River Road	
150 Pearl Street	
2 Chatham Way	
28 Upper River Road	

*As Approved* – Board of Health  
 Meeting Minutes  
 June 10, 2020

Email from Jennifer Jernigan to Board on Geochemical Report- North Pole Estates	BOH File
Memo from Jessica Collins asking for Town Attorney to Review Letter from MAHB on Board of Health Powers	BOH File
Answer on Requesting Mike Sullivan to Convene Meeting with other Boards on North Pole Estates	BOH File
North Pole Estates – Title 5 Plan Review	BOH File