



Acton Board of Health

Meeting Minutes

July 18, 2023

7:30 PM.

Virtual Meeting Only via Zoom

Present:

Virtual Members Present: Mark Conoby, William McInnis, Dr. William Taylor and Dr. Rekha Singh. Mike Kreuze was not present.

Virtual Staff Present: Sheryl Ball-Health Director, Matthew Dow and Felix Garcia, Public Health Inspector

Virtual Others Present: Alissa Nicol, Select Board Liaison, Jean and William Thompson, Attorney Mark Burrell, Sam Bajwa, Stephan Marsh, Thomas Beals, Call in User number 1, George Valian, 617-571-1146, Michael Saulnier, Ian, Mary Ellen Hunt and Wanjiku

1. Opening

Chairman – Mark Conoby opened the meeting at 7:31 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 Member Future Agenda Items

None

Health Director Update

Ms. Ball stated the Town will start distributing Naloxone (NARCAN) to community members beginning on July 21, 2023 after Land Use staff is trained. Ms. Ball also stated that the Town is sending a press release making this announcement and she believes this is a good preventative measure to help those in need. The Board asked about training requirements and Ms. Ball stated that Land Use staff will be trained Thursday, July 20th so they can assist with distribution. In addition, prior to handing out NARCAN, all receivers will be given the kit along with procedures on what's in the kit, how to use, how to store and the expiration date of the NARCAN. We also plan to ask the recipient if this is the first time obtaining the product from us so we can record that along with all doses of NARCAN distributed on an inventory log. The Board asked for kits and Ms. Ball stated that the Board is welcome to obtain a kit. Ms. Ball also stated that we have another NARCAN training scheduled for September 13, 2023.



Nursing Director Update –

Ms. Ball stated that there is no update tonight. That Board stated that if something comes up to please let them know. The Board did ask about the expiration of the COVID kits and wondered if the Town would be receiving additional kits. Ms. Ball stated that she was not aware but would update the Board if they become available.

Status Update- 92B Willow Street

The Board reminded the participants that tonight is about a status update from the date of the last Board meeting for the property located at 92B Willow Street only.

Ms. Ball outlined that events that have happened since the last meeting which included all emails received from the William or Jean Thompson (tenants), the owner Sam Bajwa and his attorney and representative. Ms. Ball stated that the owners reached out to invite the Health Division to the site on July 5th at 830AM along with the owner's representative to address the noted violations, however, the tenants informed the Health Division that we were not to attend. The Health Division honored their request to not attend but was called to the site around 10 AM as the tenants were not responding to the contractors knock on the door. Ms. Ball and Mr. Dow arrived on site and witnessed this, however, the contractor upon arrival back to his office then saw and email sent on July 4th cancelling this meeting. Ms. Ball also explained that the health inspection was cancelled but later rescheduled until July 13 and the Health Division noted some violations corrected, some not and that new violations were documented. Ms. Ball also stated that the previous violation of no heat in the living room was corrected due to the room lacking thermal isolation per the Building Commissioner. Ms. Ball also stated that the tenants were advised to contact the Building Commission to schedule an inspection that had been scheduled for today but was also cancelled by tenants.

The Board asked if all parties have been notified of the inspection on July 31st and Ms. Ball stated yes. The Board then asked for comments from both the tenants and the owner or his representative. The Board reminded both parties that tonight is for updates only since the last Board of Health meeting. The Board also asked the tenants if there has been progress on finding an alternate location for housing.

Ms. Thompson stated that the Health inspection was cancelled due to her husband being ill and the contractor was cancelled because he only planned on fixing the grout. Ms. Thompson stated that some violations were partially corrected and that a door was left outside but not installed. Ms. Thompson also stated that they have a lead on housing but they are not sure it will be available before their vacate date of August 7th. The Board asked the tenants which date they sent the completed information to the Acton Housing Authority. Ms. Thompson stated they have completed most of it but have been asked to provide additional information. The Board again asked for the date and Ms. Thompson stated that its still not complete as of today. The Board asked if they had looked at other market rate housing. Ms. Thompson stated that market rate units are out of reach for them.



Attorney Mark Burrell stated he is here virtually with Stephan Marsh and Mr. Bajwa. Atty. Burrell stated that the contractors have mobilized many times and have made themselves available but have been unable to get into the unit. Mr. Marsh stated that he is aware of market rate units available and mentioned Dover Heights and Paddock Estates and they are less than the amount the tenants are paying currently. Mr. Bajwa stated that they are paying \$1,850 in rent and also stated that there are plenty of units available, especially if they move a couple of towns over.

Terra (call in user 1), West Acton stated that the unit was condemned due to being below grade and has found out the unit is not below grade. Ms. Friedrichs also stated that the available units that were mentioned by the owner and his representative are hard to get and you would need a list of references and income. Ms. Friedrichs also looked at the information provided on docushare and noted an email from Health questioning the condemnation of this property and felt that the use of condemnation implied it was going to happen prior to the BOH condemnation hearing. Another participant raised their hand but once promoted to panelist they did not speak.

The Board thanked everyone for the updates.

Phoenix Controls – 75 Discovery Way – Hazardous Materials Control Permit

Ms. Ball stated that Phoenix Controls, located at 75 Discovery Way, Acton has applied for a Hazardous Materials Control Permit and have recently added products to their processes that require this permit. The Health Division has conducted a review of the application and finds that they are using an IntelliPack Smartshot Foam-in-Place system. The Foam-in-place polyurethane is molded in real-time by combining two liquid foams: 50-75% P-MDI and 25-50% Diphenylmethane-4, 4'-diisocyanate (MDI). The IntelliPack SmariFoam liquids come in 55-gallon plastic drums and we have designated the categories of 7: "Hazardous Waste User", 9: "Hazardous Material Storer Small Industry" and 12: "Hazardous Waste Storer Industry". The Board asked if Health has conducted the inspection and were told the Health Division conducts the inspection after Board approval. The Board discussed the chemicals as it relates to flammability. Mary Ellen Hunt, representing Phoenix Controls stated that the SDS list the product as no applicable in regards to flammability. Ms. Hunt also stated that the more toxic chemical, P-MDI can potentially cause respiratory issues from severe or prolonged exposure. Ms. Hunt further stated that she does not believe that we should classify them as Hazardous Waste user citing that they only produce a small amount of waste which is shipped off site. The Health Division stated that even though it's a small amount we add all the totals together and once the 25 gallons is exceeded a permit is needed. Ms. Ball suggested that if the applicant would like us to relook at this, we would be happy to pull this application and reschedule this item for a future meeting. The applicant stated that they would like to proceed tonight. Ms. Hunt also stated that they have conducted air monitoring to ensure safety to their workers.



1. All liquid Hazardous Materials and Wastes shall be stored in a containment area capable of containing 110% of the largest volume stored in the containment area.
2. All Materials Safety Data Sheets (MSDSs) for the Hazardous Materials shall be maintained on site. MSDSs shall be reviewed with employees at the time of their employment and on an annual basis thereafter. MSDS must be made available to all employees upon request.
3. A Contingency Plan, including emergency contact numbers (Telephone numbers of owner, operator, etc.) and a sketch showing clearly all Hazardous Material and Waste locations shall be submitted and updated annually, to the Board of Health, Fire Department, Police Department, and Civil Defense.
4. Emergency procedures and local Emergency Response Telephone Numbers (Health, Fire, Police, D.E.P., Civil Defense, etc.) should a spill occur, shall be posted in clear view of all employees where Hazardous Materials or Wastes are used or stored.
5. All Hazardous Wastes must be disposed of by a Licensed, D.E.P. approved, hauler or be recycled on site.
6. Copies of either all invoices or manifests for any Hazardous Materials or Wastes, received or disposed, shall be submitted to the Board of Health annually.
7. Speedy Dry, or its equivalent, shall be kept in the storage area, in case of a Hazardous Materials or Wastes spill.
8. Floor cleaning procedures and bathroom sanitation products shall use only nontoxic and biodegradable cleaning compounds.
9. All floor drains in the manufacturing and storage area shall be sealed or discharged into a closed system, with the waste disposed of by a D.E.P. approved Hazardous Waste Hauler.
10. Protective equipment, including chemical resistant gloves, eye goggles and (rubber) boots, in addition to soap and water, shall be made available to all employees, at all times, in any Hazardous Materials or Waste storage or use area.
11. No Hazardous Materials or Wastes shall be discharged into a sink or toilet.
12. A safety eye wash station shall be installed where any Hazardous Materials are stored or used.
13. A fire extinguisher, containing an appropriate fire extinguishing agent, shall be placed in the Hazardous Materials Storage area.
14. No food or drink shall be stored or consumed in any area where Hazardous Materials are stored or used.
15. Prior to any new chemical or processes being used, the Board of Health shall be notified.
16. The operation of this facility shall be in compliance with all present and future regulations of E.P.A. and D.E.P. at all times. Nothing in this permit allows or requires non-compliance with all present and future applicable laws or regulations of the Federal or State Governments.
17. All exterior above ground storage tank areas shall have secondary containment, as well as be protected from the elements and have restricted access from the public.
18. Operating procedures for both handling and use of hazardous materials shall be submitted and updated annually to the Board of Health, Fire, Police, and Emergency Management.

Minutes – June 27, 2023

On a motion made by Mr. McInnis, seconded by Mr. Kreuze, the Board unanimously voted to accept the minutes of June 6, 2023.

The Chair took roll call and the vote was 4-0-1(abstention).



On a motion made by Dr. Taylor, seconded by Mr. Kreuze, the Board unanimously voted to accept the minutes of June 20, 2023 as amended.

The Chair took roll call and the vote was 4-0-1 (abstention).

Adjournment

On a motion made by Mr. McInnis, seconded by Dr. Taylor, the Board unanimously voted to adjourn at 9:30 PM. The Chair took roll call and all were in favor.

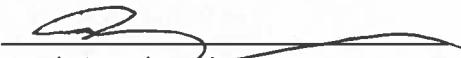
Documents and Exhibits Used During this Meeting;

- Town of Acton script for boards and committees opening meeting
- Board of Health agenda
- 92B Willow Street – Appeal request and town of Acton supporting documents, Notification of BOH Meeting, Letter from Bajwa attorney
- Extra Information – MDPH Weekly MMWR report
- Minutes from 6-6-2023 and 6-20-23

Respectfully Submitted,



Sheryl Bell
Acton Board of Health



Mark Conoby, Chairman
Acton Board of Health