



Acton Board of Health

Meeting Minutes

November 7, 2023

7:30 PM.

Hybrid Meeting Room 9 Acton Town Hall and via Zoom

Present:

Members Present: Mark Conoby, Chairman and William McInnis

Virtual Members Present: Mike Kreuze and Dr. William Taylor

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

Others Present: Stephan Marsh, Mark Burrell, Sam Bajwa, Komal Bajwa, Alissa Nicol – Select Board Liaison and Jim D'Agustine

Others Present Virtually: Call-in user #1, Andrew Vardakis, Sarah Hussain, Matt Schultz and Michael Atkinson

1. Opening

Chairman – Mark Conoby opened the meeting at 7:33 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

Update Board on new Health / Human Services Director Position.

Health Director Update

Mr. Dow provided an update about the State contacting the Health Division about reserving 33 rooms at the Minuteman Inn for migrants. Mr. Dow discussed the back-kitchen area having a three bay sink and hand sink, but not having a stove/oven. This is something the Health Division has requested of them, so people can heat up food. Mr. Dow stated he had just completed an inspection of the premises last week and checked out different rooms, common areas and the kitchen area in the rear of the property. He stated that he will be going back on November 20th for a re-inspection.

Mr. Dow discussed himself and Felix having attended a MHOA Conference down the Cape last week. Mr. Dow mentioned that it was a great opportunity to network and connect with other Health Departments in the area.



Mr. Dow mentioned to the Board he included a meeting schedule of Board of Health dates for 2024. Mr. Dow also mentioned that included in the packet are the list of inspections and permits that the Health Division has inspected/issued through this year.

During the Health Director update, the Board and Select Board liaison discussed the new position of Health and Human Services Director that is being worked on by the Town Manager.

Nursing Director Update

They held their Senior 65+ Flu Clinic on 10/17 and vaccinated 124 residents. They also vaccinated 6 home bound residents in the community.

As of last week, there were 3 cases of COVID at the Robbins Brook Assisted Living Facility.

At the Life Care Center, there have been 3 residents tested positive for COVID as well as a nurse over this past weekend. So now they are outbreak testing every 48 hours for the next 7 days.

Other

The Board asked for the Health Division to look into dumpsters at the Minuteman Inn to make sure garbage does not become an issue with the additional families at the Inn. The Board also asked the Health Division and Nursing Department to create a pamphlet of information of Social Services in the area to help the families.

The Board suggested that the Health Division reach out to surrounding towns that have already started a shelter and ask for information on what has worked and what hasn't.

The Board asked the Health Division to reach out to the Schools for COVID information and cases.

Syncarpha LLC – 50 Independence Road – Hazardous Materials Permit

Mr. Dow stated that Syncarpha LLC, located at 50 Independence Road, 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. Andrew Vardakis, representing Syncarpha LLC spoke about meeting with Town Staff and tweaking the application to meet the requirements set forth by the Board. Dr. Taylor had one question for Mr. Vardakis about how close the facility is to abutting personal residences. Mr. Vardakis mentioned the facility is 1800 feet away to the west and 1800 feet away to the north from residences. Mr. Kreuze had one question about the conditions being the same as the other battery storage facilities we have in Town. The Board mentioned to Mr. Kreuze that they are, however they are site specific to this case. On a motion made by Mr. McInnis, seconded by Dr. Taylor, the Board voted to approve a hazardous materials control permit to Syncarpha LLC for the property located at 50



Independence Road with the conditions as noted. The Chair took roll call and the vote passed unanimously.

92B Willow Street – Update / Order and Enforcement

The Board asked Mr. Dow for an update on 92B Willow Street. Mr. Dow stated that both parties have been quiet for the most part, but there are court proceedings on the eighth of November. Dr. Taylor had a question about whether the Board should initiate a deadline or wait until the appearance in housing court occurs. Mr. Conoby stated that there is a court hearing scheduled regarding the status at conference. Mr. Conoby stated it is under litigation, and if we do not receive any answers soon an executive session with Town Council may be necessary. Mr. Conoby mentioned it is a concern over the safety issues and we are getting into the winter season. Mr. McInnis stated that having people in a condemned building is not desirable and the Board needs to move to a resolution. Mr. Bajwa asked the Board if there was an update on any housing offered to the Thompsons. Mr. Dow answered nothing that he has heard. Mr. Burrell, attorney for the Bajwa's asked the Board about housing of a first-floor unit being turned down, and if they knew anything about this. The Board stated that information was not provided to them, but that the Thompsons are still on the property at 92B Willow Street.

Atty. Burrell provided the Board of Health information on the court proceedings happening on the eighth of November. He stated that the Town is involved in what is called a case management conference. The Town has asked for a speedy trial, and the Thompsons are fighting the veracity of the condemnation. Atty. Burrell mentioned the Court will have questions if both parties are trial ready. Atty. Burrell stated that he has an eviction case ongoing simultaneously with the Town's condemnation case. He stated that we are both trying to get the Thompson's out, the Town for their own health and safety and the Bajwa's for a myriad of other reasons. Atty. Burrell explained that he asked about suitable housing because the judge will ask about housing and if it has been offered. Atty. Burrell wanted to understand if suitable housing had been offered to the Thompson's; if they say they were not offered anything to the judge that it might not be so. Atty. Burrell explained to the Board that he has heard through previous Board meetings that a second-floor housing unit was offered to the Thompson's but the idea of ascending stairs, was declined. Atty. Burrell continued that he heard from attending previous Board of Health meetings, the Thompson's declined another housing unit because of a dumpster out back. Atty. Burrell wanted the Board to know that he doesn't know this for a fact, he was inquiring if it was true about the Thompson's declining suitable housing or not. The Chairman Mr. Conoby stated that Town Staff has worked diligently to find the Thompson's housing. Mr. McInnis stated that the Boards interest is to drive this to a resolution. Mr. Conoby stated that the goal is to have all residents in safe, appropriate housing. Mr. Bajwa, owner of 92B Willow Street stated that once he informed the Thompson's of his intention to demolish and gave them the notice to quit, they become very angry at him. Mr. Conoby interjected and said we just need to focus on the court hearing.

Alissa Nicol, Select Board Liaison, stated that she wanted to offer some corrections for the record. Ms. Nicol's stated the Town is the defendant in the housing case. Her concern like



everyone else is to get the Thompson's safe housing. She stated about the Thompson's not paying rent, that they have been court ordered to pay. Ms. Nicol stated she wants the Board to know that there is a medical reason for needing an accessible apartment. She wanted the Board to know that any folks that are applying for affordable housing are entitled to 2 or 3 turn downs. Mr. Conoby stated that there have been 3 units that they have turned down. Atty. Burrell stated that he wants to be clear, he wasn't going to make any representation to the court because he has a reputation, and he doesn't know that any of the turn downs of housing are factually true. Mr. Conoby stated if there is any question, have Town Council represent what the Town has done. Stephan Marsh, contactor for the Bajwa's stated that he has offered to look for housing for the Thompson's. Mr. Conoby mentioned that this is a process, hope to have more information in the near future.

92B Willow Street – Appeal of Fines

The Board asked Mr. Dow for an update on the appeal of the fines for 92B Willow Street. Mr. Dow mentioned that Mr. Bajwa did get the appeal letter to the Board and he would like to appeal the fines. Mr. McInnis stated that the Board recognizes that the purpose of fines is to propel compliance with the health orders. Mr. McInnis suggestion to the Board is to continue this item until such time either the occupant's issues have been resolved or the building has been razed. After that the Board can go back and review if the fines are appropriate. Stephan Marsh stated that he has corrected all the violations on the exterior of the dwelling, but he has no access to the inside, as the occupants have not responded to him. Mr. Kreuze recommends granting a waiver of the fines, as he feels the owner has demonstrated a willingness to work with the Board. Dr. Taylor agrees with Mr. Kreuze about granting the owner a waiver as there has been an obstruction of access and interference. Call in User 1 stated she feels like aggressive enforcement is not keeping with the Department of Health and she urges the Town not try to undermine the eviction process. On a motion made by Mr. McInnis, seconded by Mr. Kreuze, the Board voted to continue the appeal of the fines. The Chair took roll call and the vote passed unanimously.

Emergency Beaver Trapping Permit – 180 Skyline Drive – Nagog Pond

The Health Division has received a request for an emergency permit for beaver trapping due to beaver activity with flooding occurring behind the Acton Water District Property located at 180 Skyline Drive which is threatening flooding of drinking water wells, well fields or water pumping stations.

Unfortunately, it was determined that this site is not a candidate for alternative solutions.

On a motion made by Mr. McInnis, seconded by Mr. Kreuze, the Board unanimously voted to approve a 10-day emergency permit, beginning on Monday, October 23, 2023, giving the licensed trapper and its agent the right to use restricted traps and breach the dams or dikes, along with a 10-day extension if needed. The Chair took roll call and all were in favor.

Minutes – October 10, 2023



On a motion made by Mr. Kreuze, seconded by Dr. Taylor, the Board unanimously voted to accept the minutes of October 10, 2023. 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 9:34 P.M. The Chair took roll call and all were in favor.

Next Meeting

The next Board of Health meeting will be on November 7, 2023.

Documents and Exhibits Used During this Meeting:

- Town of Acton script for boards and committees opening meeting
- Board of Health agenda
- Board of Health meeting minutes from 10/10/23

Respectfully Submitted,

Matthew R. Dow
Matthew Dow
Interim Health Director

Mark Conoby, Chairman
Acton Board of Health