

## **BOARD OF HEALTH MEETING**

**Tuesday December 4, 2018 – 5:00 PM – Richmond Town Hall, 1529 State Road**

**PRESENT:** Mr. Andrew Fisher; Mr. Peter Cohen; Mr. Fred Schubert, Acting Chair; Mr. Tony Segal, Ms. Phyllis LeBeau, Recording Secretary

**ABSENT:** Ms. Louise Maron, Chair

**GUEST:** Mr. Rick Bartlett, Bartlett's Orchard

Mr. Schubert called the meeting to order at 5:00 PM.

**Approval of the Minutes of the November 7, 2018 meeting:** Mr. Segal moved that the minutes of the November 7, 2018 meeting be approved as read. He was seconded by Mr. Fisher and the motion was carried by unanimous consent.

### **ACTION ITEMS:**

1. Mr. Schubert has not yet advised Mr. Beckwith, Richmond Highway Superintendent, that he will be added to the list of those to be informed about water test results from Richmond Pond. He will do so.
2. Mr. Peter Cohen reported on the conference at BCC on local lakes and ponds, which he attended. His report was that no one else showed up and there was no conference on that day. Mr. Schubert will try to determine if that conference ever did take place at a different time or place.
3. Mr. Schubert forwarded to Mr. Mark Pruhenski, the Town Administrator, the Board's comments on the Special Permits submitted to it.

### **OLD BUSINESS:**

Mr. Segal asked Mr. Olander to speak about the conference on tick-borne diseases that he attended. Mr. Olander noted that the conference was specifically designed for public education on the subject, particularly for the Cape Cod and other island areas where the problem with ticks is very bad. Mr. Fisher mentioned that there was an article in the paper about an Asian tick that is being found as far North as this area that is carrying major diseases for animals and in Asia has been known to cause disease in humans. Since there is very little known about this new threat at this time, there is nothing that the Board should be following up with.

Mr. Olander reported that he had submitted the BPHA invoices for warranting.

### **NEW BUSINESS:**

**Special Permit Petition – George F. Rufo, III:** Mr. Rufo is requesting a permit to build a barn to house a studio and office. A discussion of whether the proposed barn would contain a

bathroom, kitchen or bedroom, resulted in no clear indication from the information provided. The Board will need to see specific plans in order to determine if the Board of Health has any authority to approve the request. Mr. Schubert will draft a letter to that effect to Mr. Mark Pruhenski, Richmond Town Administrator, with a copy to Mr. Stannard, the owner of the property.

**Request from Bartlett's Orchard for Help with DEP Water Requirements:** Mr. Rick Bartlett came before the Board to ask for its help with problems they are having with the DEP in relation to their public water system. Mr. Bartlett explained what has been happening and the extraordinary efforts Bartlett's has gone to in order to assure that the water used in their store is clean. The water source is a private spring that has been captured and piped to the two private homes owned by the Bartlett family and the Bartlett's Orchard store. A UV system to clean the water from any e-coli contamination has been installed and it is tested every month. Those tests have consistently come back clear of any contamination, but the DEP is insisting that the UV system is not sufficient to protect the public and they want the water chlorinated. Bartlett's refuses to chlorinate the water because that will destroy the pure taste of it and change the character of the coffee that is made with it, which will damage their business.

Mr. Bartlett described how the water is collected at the source: When the natural spring was discovered it had a poured concrete foundation with a roof. That was removed and replaced by a stone foundation, the original foundation placed back on top of the stone and a honeycomb tank was installed on top of that. The entire system was then packed in stone and grit up to the soil on top. The water is gravity-fed from the tank to the Bartlett's homes and then to the store with a system of pipes that now include all brass couplers that will not split and allow contamination to reach the water as had happened in the past. There is now a UV system installed that purifies the water before it reaches the store. Bartlett's is not pumping water out of the ground; the source is a natural spring and what they don't use runs downhill and does not go back into the holding tank, but the DEP insists on being able to monitor the amount of water that is being used and the amount that is overflow.

Some alternatives were discussed: Tearing out the UV system they have installed and installing a new, more complex UV system that will provide the DEP with an immediate read-out of the intensity levels the water was being exposed to at the touch of a button. The current system only has a warning system if levels drop below a certain point.

Mr. Bartlett proposed the possibility of decertifying the water system. Mr. Schubert asked what the Board of Health can do within its authority to help resolve the situation. Mr. Bartlett had a specific proposal for the Board. Since the original trigger for this situation seems to have been the fact that Bartlett's brews and serves coffee to the public, what if they make their coffee with bottled water and decertify the system and revert to a private water system. The Board would have to outline for Bartlett's what they would need to do as a private water system to guarantee that they are not exposing the public to bad water. Mr. Olander noted that it would not work for Bartlett's to decertify because they are using the water for other purposes, all of

which require a public water supply. Mr. Bartlett acknowledged that the proposal might not be effective, but they are just at the stage of exploring different possibilities. Mr. Bartlett said that the purpose of his meeting with the Board was to obtain its blessing.

Mr. Schubert went over the possible tactics: the DEP wants a sample path and they want metering. The purpose of the sample path above the use points and the UV system he felt was so that the DEP could determine if the water source was contaminated at the well head. From a practical point of view, it seems irrelevant if the source is contaminated, given how effectively the UV system cleans the water before the use points. He would suggest asking the DEP for a real reason for the placement of a tap at the top of the hill.

Mr. Schubert felt that the flow-splitting requirement was more understandable, as they would want to know where the water goes. Mr. Bartlett noted that the water flows up out of the ground from a natural spring in a cleft rock and the overflow is directed down the hill. It would be understandable if Bartlett's was pumping water out of the ground, but they are not. There was some discussion of where the tap the DEP wants could reasonably be located, but there has been no clear indication of why the DEP is insisting on that.

There was a discussion of the expediency of the Bartlett's contacting the State Representative, Mr. Smitty Pignatelli, or Mr. Adam Hinds, the State Senator, and requesting their help at the same time that the Board takes the issue directly to the DEP. Mr. Schubert suggested writing a letter to the DEP, as a Board of Health, asking for clarification of the issues. He would also want to know what authority, if any, the Board has to issue waivers. That would be a question that Mr. Mark Pruhenski could answer and it was felt it would be wise to get Ms. Jayne Smith involved as well.

**West Region Homeland Security Advisory Council Conference on Cybersecurity Preparedness:**  
There was no interest in attending.

**MEMA Report on Major Gas Line Incident in Lawrence, Andover and North Andover – September 2018:** Because of the geographical distance, there was no interest.

**Balderdash Food Service:** Mr. Olander noted that they are planning to open a restaurant and must submit a plan for the facility before the application process for a permit can even begin. Mr. Olander has alerted Jayne Smith to contact them.

**Notice of Withdrawal of Appeal filed on October 25, 2018 with the ZBA for Hilltop Orchards:**  
The Board did not have an interest in this item.

**Mass. Rural Policy Advisory Commission holding a Listening Session at BRPC on December 6<sup>th</sup>:**  
There was no interest in attending this session.

**Western Mass. Health & Medical Coordinating Coalition Newsletter, Fall, 2018:** Mr. Fred Schubert said he would contact the coalition to advise them of his new email address so that he would be included in their email distribution of the newsletter.

**AGENT'S REPORT: (See attached)** Mr. John Olander noted that the Heather Adams Trust at 587 Canaan Road has applied for a special permit for a barn-residence. The application is under review.

Mr. Olander went over the items in his report to clarify or expand on the information contained. He advised the Board that the DEP will be arriving in Richmond on December 12<sup>th</sup> to inspect the Highway Department Garage and the water system, looking for contamination issues. They will be inspecting to be sure that waste oil is not being dumped into the environment.

**Next Meeting Date:** As the normal schedule would be January 1<sup>st</sup> and that is a holiday, it was decided that the next meeting would be moved to Tuesday January 8<sup>th</sup> at 5:00 PM.

There being no further business before the Board, Mr. Segal moved that the meeting be adjourned. He was seconded by Mr. Fred Schubert and the motion was adopted by unanimous consent.

The meeting was adjourned at 6:30 PM