



TOWN OF SHREWSBURY

Richard D. Carney Municipal Office Building
100 Maple Avenue, Shrewsbury, Massachusetts 01545

DATE: May 3, 2019
TO: Board of Health
FROM: Kerry Stockwell, Administrative Assistant
SUBJECT: Board of Health Meeting Minutes
ATTENDANCE: Stephen Vigeant, Maria Narducci, Jennie Fishman

ALSO IN ATTENDANCE: Phil Leger, Karyn Clark, and Joshan Niroula - Worcester Department of Public Health (WDPH) / Central Mass Regional Public Health Alliance (CMRPHA)
Hannah Kane – State Representative, Boston
Barbara Thorrien and Justin Oll – 604 Hartford Turnpike, Shrewsbury
D.J. Wilson – Mass. Municipal Association (MMA)
Don Musial and Chris Sturgis - Wheelabrator Shrewsbury
Jeff Howland, Keith Baldinger, and Nick Repteka – Shrewsbury Department of Public Works (DPW)
Kevin Esposito – Shrewsbury Parks & Recreation
Jennifer Rifku – Shrewsbury Youth & Family Services (SYFS)
Katie Walsh – One Federal, Boston
Raj Arunachalam – 63 O'Donnell Avenue, Shrewsbury
Raj Kasbekar
Rama Susarla – 20 Sinclair Road, Shrewsbury
Rashmi Pitre – 17 Wachusett Circle, Shrewsbury
Robert Tozeski, Water & Sewer Superintendent - Shrewsbury
Sam Wenbe and Norman Dnnhnna – 29 Maple Avenue, Shrewsbury
Shilpa Deochakke – 4 Ptarmigan Drive, Shrewsbury
Tina Grosowsky - Central MA / UMass Medical School
Tom Moore – 62 Beverly Hill Drive, Shrewsbury
Beth Casavant – 16 Clear View Road, Shrewsbury
Bindu Gupta – 21 Wachusett Circle, Shrewsbury
Bryan Moss – 16 Ruthen Circle, Shrewsbury

AGENDA

- 1. Call to order.** The meeting was called to order at 9:39 a.m. by Stephen Vigeant.
- 2. Review and approval of Minutes from the March 8, 2019 Board of Health meeting.**
Maria Narducci made a motion to accept the Meeting Minutes from the March 8, 2019 Board of Health meeting. Seconded by Jennie Fishman. Unanimously approved 3-0.
- 3. Review and discuss regulations that would restrict the sale of fruit and candy flavored tobacco products in the Town of Shrewsbury to adult-only retail tobacco establishments.**
Steve Vigeant acknowledged that the Board of Health had received several letters of support on this topic. He reminded all in attendance that meeting is not a Public Hearing. Purely, a discussion to gather information for the Board's consideration.

DJ Wilson from the MMA provided the Board with a list of cities and towns that have adopted regulations

to end the sale of flavored tobacco products. Each town has a School Superintendent who is struggling with the JUUL issue. It's important to limit the access that youth has to these addictive products.

Tina Grosowsky from the Tobacco-Free Community Partnership provided the Board with three (3) hand-outs. She also showed the Board a sample of a JUUL product with her. The device looks like a USB drive and has a flavor pod (where the nicotine is stored). It's the flavor that is attracting the youth. What they don't realize is that this gadget is full of chemicals known to cause lung infections. If this regulation was passed, it would assist greatly in taking it out of the hands of the younger population.

Hannah Kane from the Shrewsbury Coalition of Addiction and Education, State Representative, and Shrewsbury resident felt that we need to work on all levels in combating this issue. This regulation can be used a prevention tool. As a member of community, she receives correspondence from people who see these types of products and receive mixed messages. These products are in plain view at the counter but they are told not to use them. The tobacco industry knows that people get hooked at a young age and then forms a life-long habit. She was grateful to be at the Board meeting and voice her support at the local level.

Beth Casavant from the Board of Selectmen thanked the Board for discussing this topic. There is a health crisis with e-cigarettes and JUUL. As a parent of teenagers, she sees that this is something they struggle with on a daily basis. A lot of Middle School kids walk through town and are exposed to tobacco retailers in plain sight. Kids are attracted to devices that look cool and are easy to conceal but they don't understand the damaging effects. The flavored tobacco products are being marketed to the youth. As leaders in the community, we need to teach the kid up front on the dangers of these products. It's important to protect your long-term health.

Jennifer Rifku of SYFS has seen a dramatic increase in youth using vape products and there are long-term consequences. Half of the youth are using these products because of the flavor. Eighty (80) percent of the vape users are under the age of twenty four (24). If these products were taken away, it would have a huge impact on public health policy. She thanked the Board for their consideration.

Barbara Thorrien, District Manager for Seasons Corner Market came before the Board. She is not saying that smoking is a good thing but that the retailer's policy is to not let these products into the hand of the youth. Their company conducts inspections twice a month. If it's discovered that the tobacco policy is not being enforced, the employee or employees are suspended. When an employee is hired, they are trained on the tobacco policy. Everyone is asked for identification. The majority of their customers purchase JUUL and tobacco products. If the kids are getting their hands on JUUL, it's from an adult or through an online portal. They are not being obtained via the retailer.

Steve Vigeant asked the Board if there was an interest in moving forward with a Public Hearing regarding this potential regulation. All three Board members were in agreement that a Public Hearing would be held.

Karyn Clark will supply draft regulations for the Board to review. A legal notice would be posted for a subsequent Public Hearing and those proposed regulations will be available as part of that meeting. The process is to review the proposed regulations first and have a public hearing second. She will work with partners at the state level so that they have the most up-to-date language.

Jennie Fishman made a motion to review proposed regulations that would restrict the sale of fruit and candy flavored tobacco products in the Town of Shrewsbury to adult-only retail tobacco establishments. Seconded by Maria Narducci. Unanimously approved 3 to 0.

4. Review and Act on proposed revision to Phase V, Section VII Baseline Footprint. Request to Board of Health for Permitting Concurrence at the Shrewsbury Landfill, 620 Hartford Turnpike, Shrewsbury, MA 01545. Requested by Don Musial, P.E., General Manager – Wheelabrator and Jeff Howland, Town Engineer.

Don Musial, General Manager of Wheelabrator distributed a map to the Board. He introduced Chris Sturgis from Wheelabrator. Jeff Howland, the Town's Engineer was also present.

Wheelabrator sent a letter on April 22, 2019 requesting the Board of Health's concurrence that a proposed revision to the footprint of Phase V, Section VII baseliner does not require a modification of the property's current Site Assignment. This letter outlined general background information on the proposed revision and an outline of the upcoming permitting path.

This request is associated with the next cell of construction at the baseliner at the site. When Wheelabrator seeks approval from the DEP, they will ask if the Board of Health has granted their approval.

Question: Is everything lined and following current standard?

Answer: Yes. All meet the Department of Environmental Protection (DEP) approval.

Question: Is the leachate being collected?

Answer: Yes. If there is run-off, it's collected and there is pumping in place to the Town's sewer system. This captures moisture as well.

Question: Is there any gas?

Answer: No. Ash is left over after the trash is incinerated.

Question: Is the old landfill underneath generating gas?

Answer: No. All buildings and structures on-site are monitored.

Maria Narducci made a motion to approve the proposed revision to Phase V, Section VII Baseliner Footprint, for Permitting Concurrence at the Shrewsbury Landfill, 620 Hartford Turnpike, Shrewsbury, MA 01545, and that the Site Assignment does not need to be modified. Seconded by Jennie Fishman. Unanimously approved 3-0.

5. Review and discuss Citizen's Petition regarding Hexavalent Chromium Mitigation Efforts – requested by Shilpa Deochakke, 4 Ptarmigan Drive, Shrewsbury, MA 01545.

Steve Vigeant acknowledged that the Board received and reviewed all of the slides that Shilpa Deochakke previously had provided.

Rashmi Pitre of Precinct 1 came before the Board to speak on behalf of a group of Shrewsbury citizens who are concerned about the level of Hexavalent Chromium. Hexavalent Chromium is a known carcinogen. It's an odorless and tasteless chemical. In 2015, Environmental Working Group (EWG) flagged the Town of Shrewsbury's water wells for having high levels. At that time, it was reported that there were about 3.8 Parts Per Billion (PPB) of this chemical against 0.02 PPB safe levels recommended by the California Office of Health Hazard Assessment. As a result of state-wide water testing, the Health Department in CA recommended a specific acceptable level. The Town of Shrewsbury is higher than that level. In 2017, based on the Annual Town Water Report the levels were still in the same range. Well water goes into the Water Treatment plant and that's what brings the levels up. The Environmental Protection Agency (EPA) doesn't have a limit. Health risks of this chemical can lead to oral, intestinal, and stomach cancers or liver damage. This is particularly concerning for vulnerable populations (i.e. young, old, pregnant folks, etc.). Carbon filters don't work. You would need a system that sits under the sink and those are not only expensive but there is a lot of water wasted. She felt that this needs to be dealt with at the Town level and not as individuals. She is hoping to see the levels decrease but at this time, residents could have been drinking that water for about twenty (20) years now. She appreciates everything the Town has done but is looking for the Board of Health to help expedite the process.

Bob Tozeski, Water & Sewer Superintendent came before the Board. He has spoken with a group of Shrewsbury resident about this topic prior to the Petition. The Town has been very proactive on this issue. The present range of this chemical is approximately 3.5 parts per billion. Chromium can switch back to Hexavalent.

In the State of California (CA), there was an issue that brought natural gas in. A rust inhibitor was used and dumped into basins and a subsequent lawsuit was filed against Pacific Gas & Electric. CA tried to come up with a standard in 1996 or 1999 and it was based on a Germany study. The Town of Shrewsbury would like zero (0) contaminants. On a personal and professional level, he understands and is very

involved with this issue. Unfortunately, you cannot simply retire wells and you cannot just place them anywhere. Trying to work with the wells the Town has. Based on seventy (70) years of usage, the Town wants to be at zero and continue to work towards it. The Town must work through the State, various regulations, and the EPA to obtain a formula. The Town is trying very hard to minimize usage and keep Shrewsbury residents informed and involved in the process.

Question: Does the public water supply fall under the DEP?

Answer: Yes.

Question: Did the new water treatment plant give any capability to monitor or treat Hexavalent Chromium?

Answer: No.

Question: Is the Water & Sewer Department looking at two (2) new wells coming online?

Answer: Yes. The State has to approve each part of the process.

Question: Is there an ongoing process for the monitoring of what the river basin contains?

Answer: Yes. You treat it and then there is inter-basin transfer. The Boston Water Resource Commission has to approve moving water from one basin to another. The City of Worcester is not a viable option. The best goal would be to identify and treat it off-site.

Question: Is the anticipation that contamination will be ongoing?

Answer: Yes. The town is being proactive and is sending out samples at their own expense.

Question: Wells just can't be installed anywhere, can they?

Answer: No. First of all, there has to be water where the well would be going. Also, trying to get the wells installed all on town property.

Bryan Moss commended the work that the Water & Sewer Department and Shrewsbury residents who have been researching this subject. He felt that the Town will have to deal with the health effects afterwards and that this is a wake-up call in trying to keep contaminants out of the environment.

Question: Does the Board of Health have anything posted on their portion of the website regarding Hexavalent Chromium?

Answer: No; however, the clerical staff would be glad to link the document that the Water & Sewer Department had previously posted to that section of the website. If residents have questions, they would be vetted through the Water & Sewer Department.

Bob Tozeski thanked the Shrewsbury citizens and the Board of Health and wants to collaborate with everyone in an effort to get as close to zero as possible.

At this time, the Board of Health does not have a current position on this Article. Wells just can't be retired altogether. The Board of Health did collectively agree that the Hexavalent Chromium should be minimized but that the Shrewsbury Water & Sewer Department is already doing everything they feasibly can. The best approach is to continue to work with the Water & Sewer Department.

Maria Narducci made a motion that the Board of Health is not currently in support of this Article. Seconded by Jennie Fishman. Unanimously approved 3-0.

6. Review and Act on the Report from the Central Massachusetts Regional Public Health Alliance (CMRPHA) – Taken out of order

Phil Leger provided Environmental Health data since the last Board Meeting which took place on March 8, 2019.

Food Service

There are several new food establishments coming into Shrewsbury. The Health Department has been very busy with Health Plan review and gathering all required documentation.

Seasonal Inspections

Multiple Health Agents are juggling inspections for semi-public swimming pools, recreational camps for children, and one (1) bathing beach.

Nuisance Inspections

There has been a huge uptick in nuisance complaints. When the snow melts, things become visible (i.e. trash, unkept properties). Multiple Health Agents have been pulled in to assist with the inspections.

Abby Graham, Regional Public Health Specialist

Abby Graham is currently working on her master's practicum. She is working with City of Worcester – looking at water testing sites, response plans, and protocols.

7. Review and discuss Article 20 – Town Property Pesticide Reduction Bylaw – requested by Bryan Moss, 16 Ruthen Circle, Shrewsbury, MA 01545.

Bryan Moss came before the Board to express his concerns around pesticide applications. There is an effort across the State looking at ways to reduce pesticide applications. His intent is not to prevent the Town from using it, rather he would like to start with an organic approach. He would like the Town to look at everything used today and see if there are alternative methods. Start from the least to the most toxic method. The synthetic pesticides can exist in the environment for a very long time. The more contaminants you place in the environment now, the more you have to contend with later. A pesticide company that produces a product called Roundup was found guilty of knowing there was a chemical that would cause cancer. The affected individual was a groundskeeper. Miami ended up banning that pesticide. The Town of Wellesley and the Town of Marblehead has an organic policy. He feels that the current pesticides are a detriment to pets, children, and the environment. He wishes to protect the children and the aquifer of the Town's drinking water and have an Integrated Pest Management (IPM) on all Town property.

There were no further questions from the Board at this time.

Nick Repteka, Keith Baldinger, and Kevin Esposito introduced themselves to the Board. Kevin Esposito is the Division Manager for Parks & Recreation. In response to the pesticide applications, he said that their department has drastically reduced the usage over the last three (3) years. In 2017, the State ran a program for the collection of pesticides at no cost. At that time, the Town got rid of their supply. In 2018, 35.75 gallons of algaecide were put in Dean Park over five (5) applications. There were no applications made at Jordan Pond. The Town works with a lake management company to monitor algae growth. There are two (2) licensed contractors (an organic landscaper and a highway pesticide contractor) to treat wasps and hornets. The Town is down to minimal usage on everything to include fertilizer applications on Town fields.

Keith Baldinger from the DPW – stated the Town owns nineteen (19) buildings. In 2018, there was a Public Buildings Division had licensed contractors that utilized an herbicide similar to Roundup. 2.75 gallons were applied to treat poison ivy along walking paths and playground. The DPW merged with Parks & Recreation. They do not use pesticides on those properties. A licensed exterminator is secured four (4) times per year for the treatment of ants in the kitchens. They do not spray. A gel application is used through a syringe Traps are set for rodent activity.

Nick Repteka of the Shrewsbury Highway Division stated that the town uses cultural roadside mowing practices. No herbicides or pesticides are applied.

Question: Would the motion be impactful now?

Answer: No.

Jeff Howland voiced a concern about mosquitoes. If this by-law were to pass, it would adversely affect what Central Mass. Mosquito Control Project (CMMCP) could use. They would not be able to use what they currently have. The Town also deals with a company called Solitude that treats our lakes. An organic approach would cost more money and it may not be able to treat the toxic algae. A different product

would have to be applied which is more toxic to humans and is not as effective.

Kevin Esposito provided an email from Timothy Deschamps of CMMCP to Angela Snell discussing the impact if the by-law were to go into effect.

Steve Vigeant didn't feel that passing a by-law was the best way to approach the concern. He felt that it should be addressed one on one with the various departments and tackle it from a procedural standpoint.

From a Dr.'s point of view, Maria Narducci was bothered by Eastern Equine Encephalitis (EEE) and West Nile Virus (WNV).

Jennie Fishman would like further clarification on the matter.

Karyn Clark will follow-up with Tim Deschamps of CMMCP. In addition, she would like to research how other Towns have written their Regulations / By-laws.

Maria Narducci is not in support of a motion to move forward with supporting Article 20 until the Board of Health receives further clarification.

Kevin Esposito read the email from CMMCP to Angela Snell. Organics are not always the best alternative. Passing a By-law would make treatments very restricted on town property.

Phil Leger stated that the City of Worcester now has a contract with CMMCP due to presence of the tiger mosquito which carries the ZIKA virus. Last year, there were more reported cases of WNV than ever. There was also several cases of EEE reported. This mosquito population tend to thrive in swampy areas. CMMCP is on the prevention side and there is public education. Sometimes the mosquito populations stem from objects that collect water such as tires, uncleaned drain gutters, etc. CMMCP has a seasonal tire collection program to assist with this issue.

Karyn Clark will reach out to Timothy Deschamps, Executive Director of CMMCP and get clarification for the Board of Health prior to the May 20, 2019 Annual Town Meeting.

The Board of Health will schedule a quick Board of Health meeting the evening of May 20, 2019 regarding this Article. This is in preparation for the Annual Town Meeting.

6. Review meeting schedule.

A Board of Health meeting will be held on May 20, 2019 at 6:45 p.m. in the Oak Middle School Auditorium for the purpose of reviewing and acting on Article 20 - Pesticide Reduction By-law prior to Town Meeting that evening.

The next regular scheduled Board of Health meeting, will be held on June 21, 2019 at 8:00 a.m. in the New Selectmen's Meeting Room.

7. Adjourn.

Maria Narducci made a motion to adjourn the meeting at 11:22 a.m. Seconded by Jennie Fishman. Unanimously approved 3-0.

Referenced Material:

- Board of Health Meeting Minutes – January 25, 2019
- Letter from State Representative Hannah Kane to Stephen Vigeant – dated March 7, 2019
- Letter to State Representative Hannah Kane from Stephen Vigeant – dated March 19, 2019
- Letter of Support from Christine Mowry and Jennifer Rifkin of Shrewsbury Youth and Family Services – dated March 27, 2019
- Regulation of the Shrewsbury Board of Health Restricting the Sale of Tobacco Products – Effective January 8, 2018.

- Shrewsbury Landfill letter – dated April 22, 2019
- Petition regarding Hexavalent Chromium Mitigation – dated March 2019
- Hexavalent Chromium, A Health Hazard Presentation – not dated
- Letter regarding Hexavalent Chromium Mitigation Efforts – dated March 8, 2019
- Email from Robert Tozeski to Suresh Srinivasan, 14 Mallard Circle – dated April 19, 2019
- Warrant Article 20 – Petition for Town Property Pesticide Reduction Bylaw – not dated
- Email of support for Article 20 from Naomi Halpern, 131 Stoney Hill Road – dated April 18, 2019
- CMRPHA Updates – April 2019

Respectfully submitted,

Kerry M. Stockwell

Kerry M. Stockwell, Administrative Assistant to the Board of Health