

WALTER R. WOLF, DPM, Chair
DIANE DIETZEN, MD, Vice-Chair
JESSICA COLLINS, Clerk

SHARON HART, Director of Public Health

BOARD OF HEALTH MINUTES

January 2, 2019

As Approved - February 6, 2019

Present: Walter Wolf, DPM, Chair; Diane Dietzen, MD, Vice-Chair; Jessica Collins, Clerk; Sharon Hart, Public Health Director; Jennifer Jernigan, Assistant Public Health Director; Rob Levesque, R Levesque Associates, Inc.; Sandy Zieminski, South Hadley, MA; Suzanne Cordes, South Hadley, MA; Lori Sonder, South Hadley, MA; Stephen Frantz, South Hadley, MA; John Howard, South Hadley, MA; Frank Detoma, South Hadley, MA; Mark Aiken, South Hadley, MA; Jim Canning, South Hadley, MA; Joan Kohl Hamilton, South Hadley, MA; Kevin McCaffrey, Mt. Holyoke College; Robert Pleasure, South Hadley, MA; Martha Terry, South Hadley, MA; Neva Tolopko, South Hadley, MA; Kathleen Davis, South Hadley, MA; Bill DeLuca, South Hadley, MA; Nate Therien, South Hadley, MA; Vern Blodgett, South Hadley, MA; Linda Young, South Hadley, MA; Joanna Brown, South Hadley, MA; Dennis Swartwout, South Hadley, MA

The Board of Health Meeting was called to order at 4:31 p.m. by Dr. Wolf.

1. Acceptance of Minutes:

Dr. Wolf motioned to accept the minutes of the December 5, 2018 meeting minutes. Dr. Dietzen seconded. All were in favor.

Dr. Wolf motioned to accept the minutes of the December 10, 2018 meeting minutes. Jessica Collins seconded. All were in favor.

2. Old Business:

(a) Gravel Business Expansion – Chicopee Concrete Services – Read email into minutes:

Dr. Wolf read into the minutes an email from Jessica Collins sent to Walter Wolf, Diane Dietzen, Sharon Hart and Jennifer Jernigan. The email was dated Monday, December 10, 2018 and sent at 9:03 pm and was concerning the gravel business expansion and Jessica's wish to make the next Board of Health meeting on January 2, 2019 into a public hearing. Dr. Wolf replied. He was in agreement for a public hearing.

(b) Subcommittee – Water Testing:

Kathleen Davis sent out the Subcommittee's revised water testing regulations to the Board of Health. Director Hart stated that she did not receive a copy. Dr. Wolf gave her his copy. Dr. Wolf gave the audience an overview of the regulations and stated that he was pleased with them. Director Hart suggested that if the Board is happy with them, they can then be moved to Town Counsel, along with the original water testing regulations, for review. That way, if there is a problem with one draft regulation, the other draft will be accepted and the process moved along faster. Dr. Wolf stated that the Water Testing Subcommittee's version is far superior and therefore we don't need to submit the original version with it. Director Hart stated that she didn't vet the second one, the Board did. It is up to the Board. Jessica Collins stated that the Water Testing Subcommittee did change what was asked. Director Hart said that she checked with the Town Administrator and the Board can move it to the Town Counsel if the Board okays it. Then we post it, once it is okay with the town counsel. Then the regulation is signed at that Board meeting and it's posted in The Reminder and then sent to DEP.

Dr. Wolf then motioned to move the Water Testing Subcommittee Regulations to the town counsel. Dr. Dietzen asked the audience for comment. Frank Detoma asked if minimal levels are defined in the regulation. The Board replied, "Yes." There were no other comments. Director Hart asked for copy to be emailed to her. It was decided to wait until the regulation is approved by town counsel to then have it placed on the Health Department website for comment and review. Paper copies can be distributed in the meantime, if someone wants one.

(c) Gravel Business Expansion – Chicopee Concrete Services:

Doctor Wolf opened up the meeting for discussion. Jessica Collins mentioned the letter put together by Director Hart that they could potentially send to the Planning Board. Jessica Collins read that letter aloud to all meeting attendees. She also thanked Director Hart for drafting the letter. The letter expressed residents' and Board of Health's concerns on the impact of the expansion to the town's drinking water. It also asked for a peer review to be done by a hydrogeologist regarding drinking water quality impact. Director Hart discussed that the Conservation Commission had a letter as well and asked if she should discuss it with the Board of Health. William DeLuca, Chair of the Conservation Commission spoke and read their letter aloud. He explained that in a public meeting in December they discussed the idea of drafting the letter.

Lori Sonder stood up and asked how the Town would benefit from the gravel pit expansion. Dr. Wolf stated that he is not sure if they do. Another member of the audience stated that the Town does receive about \$5,000 a year in fees and with the consolidation of Phase 2 and 3 she is not sure if the fees will increase.

Frank Detoma, Chairman of the Water Commission, stated that his group is also writing a letter with concerns to the Planning Board and Board of Health. They feel that there is a need for a third-party professional hydrogeologist to study this. It's a complex dynamic. They are also concerned about pollution and contamination from illegal dumping. Protection protocols are needed.

Kevin McCaffrey, Director of Government and Community Relations at Mt. Holyoke College, spoke of the College's shared concerns on this project. The College is the largest user of District 2 Water. The College has also written to the Planning Board. Another citizen spoke of traffic concerns, tourism and safety issues, endangered species concerns as well as the safety of the public water supply and property values.

Jessica Collins stated that she is concerned about the Planning Board giving a special permit. Only immediate abutters were notified and she is concerned. Not everyone in District 2 was notified. Jessica thinks that the Conservation Commission letter should be added to the Board of Health letter. She also stated that there is a concern with the current extraction going on now. Jessica asked Mark Aiken from Water District #2 on it. He deferred to Rob Levesque of R. Levesque Associates, Inc. because it is private property and Mark stated that he doesn't know about their current operation. Rob explained that he is in attendance today to listen as he wants to speak through the Planning Board meeting so all questions are answered in one place. There have been no releases in the last 50 years that Rob is aware of there. They are working with a licensed site professional for spill prevention processes on site. Rob stated that concerns raised by the Conservation Commission and Board of Health may be able to be incorporated into the special permit, if it is granted. He is happy to provide general information tonight but wishes to hold the rest. Dr. Wolf asked what the current weekly excavation amount is. Rob responded that it varies. It is based on need. Dr. Wolf then asked if there are regulations restricting hours of operation. Rob responded that there are. Chicopee Concrete is not looking to expand them. Rob is not sure what they are, however. Dr. Wolf asked about any noise complaints being made. Rob responded that there have been traffic concerns raised and there could be some vibration concerns. Air quality concerns have not been specifically raised.

John Howard asked about the restoration requirements and funding set in place. Rob Levesque responded that there are restoration requirements. He is not sure about the funding for it, however. Joan Hamilton stated that the trucks are running by 7 am. Kathleen Davis spoke about the applicant not showing at the last Planning Board meeting. She is concerned that they won't show again. This is problematic and she wants the Board of Health aware because it hinders action.

Joanna Brown stated that she did attend the Planning Board meeting and is glad people could share their thoughts. She wants to emphasize the earthquake recently in Massachusetts and

that weather events are changing, increasing. She wants to make sure that the DEP regulations are keeping up. “Thank you,” she stated, “for anything you can do to research and analyze this issue.”

Sandy Zieminski asked about who would select and pay for the independent hydrogeologist. Mark Aiken from the Water District #2 stated that from his understanding, the town selects and the applicant pays. It would probably be the Planning Board that would select for the town.

Suzanne Cordes asked Water Commissioner Frank Detoma about the Chicopee Concrete Operation and how they have been taking care of the area. Frank deferred to Mark Aiken as he was out of town when the Water Department inspected the Chicopee Concrete property. Mark stated that they can’t go onto the private property but from what he could see they had a few concerns on the vehicles there and parking and if a spill occurrence happened. There were no supplies on site. This inspection was done the beginning of November and Planning and Conservation were there as well. This is the first time the Water Department was there to inspect, per Mark Aiken. Dr. Dietzen stated that then this could be addressed as part of the special permit. Rob Levesque stated that they are putting together an operation and maintenance plan to address these issues based on the special permit. He is working on addressing questions also for the next Planning Board meeting and is willing to notify abutters but can’t do that in time for the next Planning Board meeting. The hydrogeologist would also take a little time to set up. Suzanne Cordes asked for the number of abutters. No one had that information. Rob requested a list of abutters be given to them at the next Planning Board meeting.

Dr. Dietzen stated that we need to make sure that if we hire a hydrogeologist, that it really answers our concerns. “Are there questions other than the ones phrased by our colleagues?” Jessica Collins stated that she is very uncomfortable with the gravel pit expansion as a whole. She states that it is not the right thing for the town. She is concerned that it will compromise the water quality and feels that there is nothing good about what is being requested. “Who is getting anything out of this, as Dr. Wolf asked?” Jessica asked. She believes no one is. Jessica believes that more research/study is needed but to her there are no redeeming qualities for the town. Jessica stated that it is the Board of Health’s responsibility to protect the town and river and that at a minimum there is a need for research by a hydrogeologist but at a maximum she doesn’t feel comfortable with the Planning Board making this decision. Per Jessica, it is the Board of Health’s job to protect the drinking water under state law. “It is our responsibility to protect the region abutting the Connecticut River.” Dr. Dietzen then stated that they need to be clear on what data they have to back up their decision. That the applicant’s rights need to be respected. Dr. Wolf asked about what legal ramifications are involved. “Do we ask town counsel to attend our meeting?” “We should highly recommend that they do,” per Dr. Wolf, “so that we can expedite the legal responses.” We have three Boards involved and all

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have great responsibilities with this. Dr. Wolf doesn't think that it is up to just one Board. At a minimum, Dr. Wolf stated that we should send our letter to the Planning Board. Conservation already sent their letter and we can refer to it and say that we greatly respect their letter. Dr. Dietzen requested that specific health risks be in the letter. "Do we want to make sure that a person qualified in identifying these health risks, in addition to a person trained in hydrogeology, have comments in this letter?" she asked. "For example, what are the specific compounds involved in spills that we need to be aware of in terms of health risks so that we can be aware of what is necessary to manage?" Dr. Dietzen asked. Dr. Dietzen stated that they to think about where this expertise is coming from. For example, maybe the College has resources to help with this.

Jim Canning, Conservation Commission member, then wanted to speak on research and study. He is not speaking for the Conservation Commission, he stated. He feels that if a study is done and paid for by the petitioner, it may be skewed toward approval. A study makes sense. He feels that the goal of the study should be done on what to do with a very critical part of the landscape. Not just on the part concerning a gravel pit.

Joan Hamilton stood up and stated that if the permit is approved, District 2 Water Supply is at risk. Bottom line.

Jessica Collins stated that all District 2 water supply residences need to be immediately notified on this project. Mark Aiken asked if the Board of Health could check on if they can do robo-calls as their bills already went out. Director Hart stated yes but that she would have to check first with the IT Department and the Town Administrator. Jessica Collins stated that the Board is gravely concerned so the Health Department can do the calls. Director Hart stated that she will check with the Town Administrator. Dr. Wolf asked the call be made to notify residences that the Planning Board is holding a meeting on 1/14/19 that could affect your aquifer. Dr. Dietzen stated that there is no need for a list of abutters, the whole town could be notified.

Lori Sonder asked about who has the final say on the special permit being granted. Dr. Wolf replied that the Planning Board would have it on the special permit but the Board of Health can potentially override it per power given by the Massachusetts government. Another person asked what if the special permit is approved? What is the appeal process? Dr. Wolf asked that they bring this up at the Planning Board meeting.

Vern Blodgett stated that a number of citizens have drafted a petition to the Board of Health to forbid the approval. He read the petition aloud and stated that the Board can edit it. The Board of Health could also do a moratorium on the process and hire a hydrogeologist. "Town

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Meeting should take action and be involved as well to do a study.” he said. Suzanne Cordes asked Mark Aiken about the aquifer being on Chicopee Concrete’s property and that he doesn’t have access to it. That is correct, per Mark.

Robert Pleasure stood up and talked. He stated that Vern Blodgett had just read their petition. Entities having responsibility on public water issues/concerns were discussed. According to DEP, stated Robert, regular inspections by the Building Commissioner and owner should occur. Conservation should also inspect the gravel pit work per DEP as well. “Has this been done?” he asked. “Apparently no one has been monitoring for environmental concerns regarding our aquifer for the last 50 years.” Robert stated. Robert also stated that he is the former General Counselor for the Federal Mine Safety and Health Review Commission. “Hydraulic oil is a contaminant.” Robert stated. He said that we should know this and that spills and leaks, even in leak-proof systems happen all the time. Robert Levesque stated that the special permit would have more controls than the current. Robert Pleasure said that this is an area of risk to the environment and water that is going on right now. Mr. Pleasure stated that the Board of Health has emergency authority to protect the health of the town. This is a time to step up, he said. Director Hart asked for a copy of the petition.

Sandy Zieminski then stood up and spoke about the quick pace of the project and people not being notified that should be. She thanked the board for suggesting that the whole town be notified. “Dig for your power,” she stated.

Martha Terry spoke about how she keeps hearing on the lack of notification. She stated that we need these meetings covered by the press and letters to the editor covered. It was noted that Walter Hamilton, from the Town Reminder, was in attendance.

Joanna Brown commented on two other issues. She feels that there needs to be a noise decimal study and an air quality study. “What about ambient silica showing up?” she asked.

Jessica Collins wanted to make a motion to accept the petition. Dr. Wolf said that the citizens want more than just accepting the petition. They want an action plan. It goes beyond just accepting the petition. Dr. Wolf then stated that he wanted to discuss what that action plan should be next, in the presence of all there in attendance. Dr. Wolf then stated that he still has grave concerns about this special permit, as was indicated in the letter the Board had sent the Planning Board previously. He wants to move to forbid the special permit based on all the concerns of the citizens and feels that it is the Board of Health’s right and duty to do so based on the potential impact on the public drinking water, the environment in general and the Connecticut River Water Shed. He doesn’t want to delay this any further and wants to put it to bed right now. He doesn’t want to drag it out and put people at further expense. It is the least that we should do, he stated. That is his opinion to discuss in this open meeting. He has not made a motion yet. The Board needs to deliberate, he stated. The Board was in agreement

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that they needed to deliberate. Dr. Wolf reminded the rest of the Board that they don't have to all be in consensus. Dr. Wolf then asked Dr. Dietzen for her opinion. Dr. Dietzen stated that, while by no stretch of the imagination is she saying that she wants anything to go forward, the Board needs documentation to stand on regarding what public health concerns are to go along with denying the permit. She does respect others' opinions about this, however. Jessica Collins stated documentation would be helpful and that we could find that but she feels that she has read enough so that she feels very comfortable forbidding the special permit tonight to expand the gravel pit operation. Jessica then stated that tonight, and at the December 10th meeting, there was not one person in the room that was for this. Jessica remarked that she has no reservations at all. Dr. Wolf then asked the Board for any other opinions. There was no additional comment.

Dr. Wolf then made the motion that the South Hadley Board of Health go ahead and forbid the approval for the request of a special permit to expand the gravel mining operation located on Dry Brook Hill in South Hadley. Jessica Collins seconded. Dr. Dietzen was opposed. "So be it." stated Dr. Wolf.

Dr. Wolf stated, that based on that, we can go ahead and send a formal letter that this is our action to the Planning Board, Water District #2, and Conservation Commission. The letter can be reviewed by Town Council. Director Hart stated that she will draft the letter, have Dr. Wolf review it and then send it to Town Council. Dr. Wolf then stated that we should go ahead and proceed with the robo-call to all the citizens of South Hadley, no matter what Water District they belong to. Dr. Wolf thinks that attendance at the next Planning Board meeting will be beneficial to all and that this robo-calling should be done. Frank Detoma stated that Mark Aiken, from Water District #2, will work with Director Hart on this.

Linda Young then stood up and asked the Board if they are including their rationale in the petition? "Otherwise," she stated, "you will get your pants sued off you?" Dr. Wolf indicated that they are. He stated that it is based upon the petition to the Board of Health, it's based upon the fact that there has not been adequate supervision of environmental monitoring for the past 50 years at the site. Also, there are no assurances, in Dr. Wolf's mind, that can adequately protect the water supply. You would have to have daily monitoring and he doesn't think there would be anyone who would have that kind of money to adequately monitor at that site. "So," Dr. Wolf stated, "we can certainly include that type of verbiage." Dr. Wolf thanked Linda Young and stated that he appreciated her input on that. "Also," Dr. Wolf stated, "none of us knows where the future lies and what impact? We can have any number of 10 different experts and they can all have different opinions and none of us in this room will feel comfortable with that."

Director Hart then asked the question: "Over the past 50 years has the water quality changed?" Mark Aiken, Water Department #2 stated that he hasn't been at the department for 50 years.

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Director Hart then asked, “Well, as far as you have been testing?” Mark Aiken responded, “No, it hasn’t changed.”

Nate Therien then stood up and stated that he is questioning why the Town Attorney is reviewing the letter that will be drafted? Director Hart responded that it is up to the Board of Health whether they want it reviewed by the attorney or not. Dr. Dietzen then stated that they can correct her if she is wrong but she thinks that this is the first time in quite some time that the Board of Health has forbidden something so she thinks that there is going to be a lot of discussion around the ramifications that she expects we don’t even understand completely at this moment. Nate responded that it has been his experience that when lawyers say things, lots of people get nervous. He hopes that if the Board of Health gets push-back from Town Council, that the Board of Health pushes back and says that this is what they want to happen and how can we make it happen within the law? Nate’s take is that this is going to be a complicated process, moving forward. Dr. Wolf responded that it hopefully won’t be as complicated as he thinks. The fact is that there are many government officials here today. There are several town meeting members here today and have been in the past at other meetings. Dr. Wolf feels that this has been the most open discussion to date regarding this project and certainly if we need to continue the dialog...but he takes very seriously what Mr. Pleasure, Vern Blodgett, Kathy Davis and Stephen Frantz put together. They are asking us to stop this right now and Dr. Wolf thinks they have very valid reasons for doing so. So they have petitioned the Board of Health and the Board of Health is taking immediate action. Dr. Wolf stated that he is sure that there will be Monday morning quarterbacks or whatever and perhaps legal ramifications that we need to prepare for, but we have to do something and so he responded to that petition in a favorable fashion.

A speaker from the Conservation Department stated that there is still work happening on the current Gravel Pit site and wants to work with the Board of Health and other Boards on this going forward to determine jurisdiction, laws, and to create bylaws on this issue. Dr. Wolf agreed and stated that we need to have a presence at the next Planning Board meeting on how to address this.

3. Director’s Report:

Director Hart stated that the Director’s Report in October had the gravel pit information in it. However, this report wasn’t reviewed line-by-line at that meeting. Director Hart then asked that instead of asking for a hydrogeologist, the Board is forbidding the permit, correct? Dr. Wolf asked if the Board of Health can recommend a hydrogeologist be hired to assess damage from the last 50 years at the gravel pit? Director Hart stated that he would need to put together an article for town meeting. Director Hart discussed DEP stating that Zone 2 is too large. It should be smaller and more restrictive.

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4: New Business:

Dr. Wolf discussed the diabetes issue plaguing American today. He knows of a lay person that promotes healthy lifestyles. This person wants to talk to Director Hart on his program. Dr. Wolf gave Director Hart the man's contact information. Dr. Wolf asked that Director Hart talk with the Town Administrator on if he could use the Town Hall or the Council on Aging to hold his program.

Dr. Dietzen asked on the Water Testing Regulations. A Board of Health meeting was set for February 6th in case the Town Attorney is done reviewing the regulations on water testing.

5: Adjournment

At 6:10 p.m. Dr. Wolf motioned to adjourn. All were in agreement.

Respectfully submitted,

Jennifer J. Jernigan
Assistant Public Health Director

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ATTACHMENT A

DOCUMENT

RECORD LOCATION

Letter to Planning Board from Walter Wolf Dated 1/2/19 on Gravel Pit Expansion Concerns	BOH File
Call log on issue with neighborhood cats – Aldo Villani 16 Saybrook Circle	BOH File
Call log on animal control issue at 2 Oakwood Circle	BOH File
Annual Report from Health Dept., Emergency Management And Public Health Nurse	BOH File
Arbovirus Surveillance Program Report – 10/7/18 – 10/20/18	BOH File
Memo from Town Administrator Mike Sullivan on 5-Member Board of Health Status	BOH File
Hillside Beach Dam Emergency Action Plan	BOH File
Leaping Well Reservoir Dam Emergency Action Plan	BOH File
Approval on Emergency Action Plan – Marcalus Manufacturing Co. Dam	BOH File
Map of location of Harriman Dam	BOH File
Tornado Warning from MEMA and Homeland Security	BOH File
DEP letter to MHC Shattuck Hall on Hydraulic Oil Release	BOH File
Flu Clinic Numbers	BOH File
Standing Orders for 2018 Flu Season	BOH File
Walgreens Immunization Service Agreement	BOH File

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Criterion Child Enrichment Health and Safety Inspection	BOH File
Call log on issue with 37 Bardwell Street	BOH File
Condemnation Notice on 149 Old Lyman Road	BOH File
System Pumping Records:	BOH File
514 River Road	
15 The Knolls	
3 White Brook Lane	
10 Tigger Lane	
28 Cove Island	
464 Amherst Road	
4 Cove Island	
286 North Main Street	
309 Hadley Street	
616 Amherst Road	
542 Amherst Road	
26 Cover Island Road	
4 Cove Island	
28 Cove Island	
534 Amherst Road	
480 Granby Road	
110 Mountainview Street	
504 Amherst Road	
1 East Street Court	
Title 5 Report on 309 Hadley Street	
Abandoned Housing Initiative – Technology to Enrich Community Housing Grant – Additional Forms	BOH File
Tighe & Bond SHL Q3 2018 Report	BOH File
Tighe & Bond 2018 Fall Environmental Monitoring	BOH File
Big Y Express – Tobacco Violation Information	BOH File
Water Quality Update from MWRA September and October 2018	BOH File

Spiffy Agenda - Community Laws and Norms Workgroup	BOH File
Gas is the Past Article from heet	BOH File
Article from the Chelsea Record on Nip Bottle Ban	BOH File
Information on how to File OCPF Year-End Reports	BOH File
Cumberland Farms Variance Request	BOH File
Mola Litigation Paperwork	BOH File
Selectboard Press Release on New Police Chief	BOH File
Article on RAD class held at Council on Aging	BOH File
Stumps and Wood Wastes Disposal Regulation	BOH File
Letter from Cold Spring Environmental regarding Lot 4 Lithia Springs Rd.	BOH File
Records Request from Jessica Collins, BOH regarding Student Health Surveys	BOH File
Application for Special Permit on Used Car Lot	BOH File
HG & E 21-Day Notice of Herbicide Application	BOH File
Fuss & O'Neill Notice of HG & E's 2018 Vegetation Management Plan	BOH File
Letter of Recommendation for Danielle Venne	BOH File