

Lincoln Board of Health

**Virtual Meeting Minutes
Wednesday, February 8, 2023**

Members Presents: Frederick Mansfield, MD
Steven Kanner, MD
Patricia Miller, MD

Others Present: Melanie Dineen, Director, Concord Board of Health; Victoria Benalfew, Lincoln Board of Health Administrative Assistant

The meeting was called to order at 7:30 p.m. The next meeting is on March 15, 2023, at 7:30 p.m.

Melanie Dineen spoke about a program called Impact Melanoma which is a program that is doing work nationwide on skin cancer and sunscreen use. There are currently two free sunscreen dispensers in Concord right now and Impact Melanoma is looking to bring more of these devices to certain identified areas in town. They are looking to do outreach in Lincoln regarding skin cancer. Melanie Dineen offered to work with Dan Pereira regarding getting this program into Lincoln.

Trish Miller asked for documentation regarding what Impact Melanoma offers other than the dispensers, to which Melanie Dineen says they offer more but it is still in development. Trish Miller stated that she felt people would be interested in getting a skin check, however it's unknown if the program offers this.

Melanie Dineen stated that there was a survey done of what groups needed and wanted, she mentioned that she and Dan Pereira had filled out surveys and that their group met and voted on topics.

Melanie Dineen talked about a program called Hidden In Plain Sight, which is for an adult audience, targeting parents of middle school or high school age children about where and how drugs or smokeless tobacco or other such items can be in a teenager's bedroom, without the parent knowing that it's there. They offer an educational information display that could be placed at curriculum night or another appropriate place to educate people on what different substances are, how they may be hidden and what they entail. Trish Miller asked if the Lincoln Sudbury high school has any relationship already with them. Melanie Dineen stated that when the group was asked if there was prevention programs in place, Dan did not say that Lincoln was doing something specifically and therefore she is unaware if there is a current prevention program in place for Lincoln schools or Lincoln Sudbury. Melanie Dineen suggested finding the contact superintendent of the schools, finding out if they were interested in this program.

Melanie Dineen brought up that several people have asked her about the Minuteman commons. She stated that if anybody asks about the final COC from Minuteman Commons the answer is no, it has not been issued yet because it's not done. It is a multiphase project and we do not know when it will be finished. Melanie Dineen stated that she has asked but the BOH has not heard as to why it is not complete. Until it is finished, they cannot offer a COC, and the BOH would need the as built and installer certification before issuing the COC. Trish Miller asked if they could get a timeline from the company doing the work because people that are asking about this are people who may want to sell their property and cannot so it is disruptive. Melanie Dineen responded that Mike had reached out to the installer but there is no information currently, no response was received. She went on to say that the

contract is between the association and the installer so BOH is on a need to know basis. The engineer is the designer, which was Weston and Samson, and the installer is David Poor. Trish Miller questioned Melanie Dineen as to whether she has reached out to the association to see what the holdup is. Melanie Dineen stated that she has not and that it is very common for installers to take long, and that BOH does not monitor their timeline. Dr. Mansfield stated that the sewers are working, based on his knowledge from a resident that he had spoken with. Dr. Mansfield stated that it is likely that the association is not hearing from a lot of upset people and therefore they are not feeling any sense of urgency.

Melanie Dineen explained that if COCs are complete then they are on file with the Board of Health but otherwise they would have it. She also stated that they hold on to the permit for 2 years as that is how long it is good for. Dr. Mansfield stated that there should be a letter or message sent to the association to say that the BOH is getting phone calls. Ms. Dineen would like to do a bit of digging, and agrees that they may need to do that next month. Dr. Mansfield suggested that Melanie say that we don't have any enforcement here, but the association has members who are beginning to be upset enough to give us a call regarding the situation. Ms. Dineen states that there could be something else going on that the BOH is unaware of, so she cannot comment on the situation.

Melanie stated that when Codman Farm was inspected, they found two businesses that were selling on a weekly basis at the farm so now the BOH is going to issue farm stand permits for those businesses.

Melanie Dineen goes on to tell the board that they had just received a completed title 5 for the failed septic system that they had which has been ongoing for the past few months and that they will inform the property owner his non-compliance has been lifted now that he is compliant. Trish Miller asked at what point the system had failed. Melanie stated that there was a complaint by an abutter that there was raw sewage on the ground. It was a newer system, about 20 years old, that had pumps but had not been maintained properly. The pump was unplugged and that was what created the problem. She stated that there were some complications and miscommunications among the haulers, the owner and the occupants along the way but the situation has since been solved, the septic system has been repaired and it has a service contract. It is currently in compliance.

Melanie Dineen also shared that Dr. Kanner had asked about the testing at the schools in Lincoln. Dan Pereira reached out to the school department and was told that they did test for radon in 2018, the testing showed that they were below the threshold and that they will prepare a report for the BOH. Trish Miller questioned if that report would be any good considering that the schools just went through a pretty extensive construction project. She clarified that she believes the report was valid for that time, however due to the number of years passed and the construction done, the results may no longer be an accurate representation of the radon at the school buildings. Dr. Kanner states that it would be nice to see where they tested, how they tested and what the results were, however it was 5 years ago and he states that there is clearly an argument to be made that it should be done again, however, starting with the existing report would be a great starting point.

Trish Miller went back to the Impact Melanoma program, asking if it is something that the rec Department wanted to pursue or if the BOH and the direct departments could collaborate on this. Melanie stated that collaboration was the hope and intent. She said that the survey that went out pretty much asked how the group wanted to proceed with this. At this point Melanie Dineen shared slides from Impact Melanoma, based in Concord, MA, which detailed their work with free sunscreen in public places, as well as tabletops and education outreach and she discussed how the devices can be customized to have the town name on them as well as information. She showed a picture of current

devices and stated that the nurses from Great Meadow could work with the town to determine where they should be placed. Trish Miller questioned if Emerson Hospital has "skin in the game" as the pictures showing had Emerson Hospital written on the dispensers and Melanie Dineen stated that the funding for the two particular devices shown in the picture came from Emerson Hospital. Trish Miller also asked if they would be asking for funding from the BOH or the town, which Melanie Dineen answered by saying that she believes that the funding will come from elsewhere. Trish Miller stated that Melanie can invite someone from the organization to the next board meeting, to which Melanie Dineen agreed. Trish Miller offered to bring up the program to Dan Pereira next week when she meets with him to get his thoughts on it. Melanie Dineen states that we need to do a better job with outreach education and that they know that this is a great resource that can be shared regionally. It does not have to be this specific program. Trish Miller stated that she would like to see something like this at Parents' night at Lincoln Public Schools, perhaps with a poster board.

Melanie Dineen shared a slide regarding the organization Hidden In Plain Sight, whose posters they could set up at middle or high school curriculum nights along with resource handouts. These would provide a focus on awareness and conversation starters for parents. The displays would be staffed by interested in collaborators and program staff. Trish Miller mentioned that there was a vaping incident at an eighth-grade dance not too long ago in one of the bathrooms.

Dr. Kanner asked if there was a norm in which one should expect an open sewage problem to be dealt with, even though the permit is valid for 2 years. Melanie Dineen responded that if it is an imminent health hazard that they need to pump. She gave an example of a six-unit condominium that was on one system in Concord that had a failed system over the past summer, and she sent them a letter to continuously pump until it was repaired. It was in noncompliance and she gave them 90 days to repair.

Melanie Dineen stated that there are cases where people pull permits for septic systems. They get a permit, but they don't ever build them, they just pay for the design. She went on to say that you cannot leave an open hole, that there are septic systems in Lincoln that are done except there is no electricity for the pump because they're building a house, so there is no COC because they're not done, because of the lack of power to the pump.

Dr. Kanner said that with an occupied house or series of residences with a failed system, something should be done in a timely fashion and there should be some sort of deadline or reporting back to us. He states that 2 years would not be a reasonable amount of time to fix a failed system. Melanie states that she does not disagree but she does not know because she inherited this problem. The particular project that she was speaking of started construction in a reasonable amount of time. The project was busy right up until Christmas, she believes that there is maybe another phase but she is not sure, and states that there is no open ground and no open trench. Melanie states that the permit was issued late this summer. She also states that the code says that they have two years unless the problem is imminent. If they are pumping regularly, although the system is not working, it is being managed. Trish Miller would like to ask the association what the timeline is for this project and Melanie stated that she would be happy to ask for a status update from the association. She told Dr. Kanner that when a septic system is being installed, the timeline is on them. Usually it is short, because there's an existent house, you install a septic tank and then you need the leach field, then you get the leach fields hooked up before the tank is full but that isn't always the case and that is up to the installer/engineer/homeowner, the Board of Health does not manage that.

Dr. Mansfield questioned if the association may have stopped paying the septic installer, Melanie Dineen stated that there can be a disconnect between the installers and the paying party/BOH in getting the as builts, thus preventing COCs from being issued. She went on to state that if the permit expires, they put it in the file and notate that there is no COC. Dr. Mansfield questioned what is done at that point because the property would be non-compliant because they have been issued a permit but have not fulfilled what they're supposed to do yet continuing to use the system. Ms. Dineen stated that if inspections have been done, but there is no as-built on file, the Board of Health will reach out and ask for the documentation. Without the as-built they will never receive a COC, but the Board of Health does **not force them to do anything**. Dr. Kanner suggested that maybe after some appropriate period of time, they should get a letter from the Board of Health that reminds them that they are not in compliance and the house is not sellable without the COC. He is concerned that this process that is supposed to protect the homeowners and the people who may buy the property has an open loop.

Melanie Dineen stated that when people do a septic system install their responsibility is to call, scheduled the bottom of the bed, scheduled the D box, scheduled the top of the field and the bottom of the field. Then they do the inspections, they have them on record. She continues that it is on the installer and the engineer to give the BOH as-builts. The homeowner does get the original plan that was stamped so that the homeowner has a record of what was approved, they have the dates and they have the inspection that has been signed off on but they will not have a COC. Dr. Kanner suggested that a letter from the board stating that the homeowner is not in compliance with Title 5 because they have not received the as-built may be necessary. Ms. Dineen stated that she believes Stan was doing this, periodically pulling out all the permits and determining which ones were never built. Dr. Kanner stated that it will make the process much clearer at the time of a transaction on the house. Ms. Dineen said that she will look into it. Fred Mansfield said he would like the letter to be stapled to the file.

Melanie Dineen reminded the board that if she issues a letter of non-compliance, they have two years to be in compliance and there is a specific definition for non-compliance in the code. Dr. Mansfield suggested that they could send out letters stating that they have no evidence that this job was completed, but Ms. Dineen said yes, they do know it was completed so they can't do this. Ms. Dineen said that she will bring back some legal speak to the board regarding issuing a non-compliance versus what the board seems to be trying to do which is informing a person that the project was never issued a certificate of completion because the proper procedures weren't followed. She will get back to the board regarding procedures on when systems are installed or they're not. The letter will be stapled to the file and when the owners go to sell, the letter will be sitting there letting interested parties know that this was never installed although it was permitted. Melanie stated that systems that are permitted but never installed are marked as such and letters are sent to the Lincoln Board of Health letting them know of the status.

Dr. Mansfield was going to discuss how the COVID vaccine clinic went but Trish is not present at this meeting. Victoria from the Lincoln Board of Health did not receive any feedback regarding the clinic. There was an explanation from Dr. Mansfield to Trish Miller in regard to why feedback was expected, that there is a Lincoln resident who disagrees with the vaccinations and feels that they are human experimentation. Dr. Mansfield went on to explain that he looked over some stuff in which they were comparing the adverse events after the MRNA vaccines to adverse events after other kinds of vaccines and they say that there is more so it's unsafe but they are not counting the 1 million odd people who died of COVID and who the vaccine is trying to protect. He goes on to state that it's a risk benefit kind of calculation and he for one is comfortable with the calculation. Trish Miller stated that they are not mandating anything, they are just offering this as an option. Dr. Mansfield stated that you always have

to sign an informed consent before you get vaccinated, and that they say the informed consent was not complete enough, but he does not have any problem with what's been done. Dr. Kanner goes on to state that between the FDA and CDC, there were hundreds of really well informed scientists who worked on this and decades of experience went through the risk benefit calculations with the current data, and followed data to look at the true significant adverse effects, and that there was not much competition that the benefits were well worth it, and the risks were pretty small and worthwhile. Dr. Kanner goes on to state that he does not feel that individuals are in a position to try to rework the entire scientific establishment's one year of work on this issue. Dr. Mansfield states that there is a sort of natural experiment - MRNA virus against the old type of virus you just put an antigen in and that would be the Chinese vaccine which hasn't been a great success.

Dr. Mansfield moves on to the digital radon units and the radon event, which he says was lightly attended with only 11 people on zoom and eight people in the room, only two being from outside of the BOH. Dr. Mansfield stated that there's been a table out in the library, he is not aware of any requests for information. Trish Miller wanted to know if the library was concerned about them being the conduit to getting the kits. Dr. Mansfield stated that the library suddenly put its brakes on, and he is unaware of what the issue was. Melanie Dineen stated that she sent out a comprehensive summary of everything that happened to Dan (Pereira). The library Board of Trustees wants to review their Library of Things policy and privacy around the Library of Things, what they issue, and what their liability is.

Melanie said that this will be discussed at the next number of meetings per Bobby, Lincoln Library Director and she was advised to ask Victoria from the Lincoln Board of Health if she would be willing to check them out at her office. Dr. Mansfield stated that a question raised by Mr. Feeney is whether the digital units are accurate compared to the activated charcoal units. Scott Rodman said that when he spoke to Mr. Feeney he wanted to clarify if he had some view that they were inaccurate, but his comment was that he's just never been aware of these particular units. Scott Rodman stated that he is sure that Mr. Feeney is aware of the professional devices that cost thousands of dollars but none of the consumer items are certified in the same way that professional devices are so that an inspector can go in and use that professional device, and issue a certificate. He believes there might be a misunderstanding from the library that they're not as good. He finds it great that they are able to have an accurate reading in a short period of time and then be able to go back and actually look at it and see it, and monitor it over a period of time. Dr. Mansfield stated that Mr. Feeney said he would feel more comfortable if he had to certify anything if it was backed up and then if it was high, that it was tested with the activated charcoal unit. Scott Rodman shared that the units being handed out are not activated charcoal, they are liquid scintillation units. He goes on to state that they're sending him one to see, he has never seen it but the state will give one to anyone who asks for it. Dr. Mansfield states that he called for one and there wasn't any liquid inside, it was pretty light and he would have thought it was charcoal **but he does not know.**

Dr. Kanner stated that he went on the website for the certification agencies and looked at a bunch of machines. He went to the websites of some of the manufacturers who had professional grade ones that were certified. He stated that it seems to him that there's a pretty rigorous set of standards and he feels that the company which makes the devices which are consumer grade share the technology of the companies that are fully certified. It looks to him like a consumer grade of a professional grade device. Dr. Mansfield suggested that the electronic method of measuring may be the same but the calibrations may be different, which could account for the price differences seen. Dr. Mansfield states that if they distribute these units, they would like to include a piece of paper stating that if you're above a certain level and are considering remediation, you need to follow up with a certified company.

Trish Miller asked if the devices were at Town Hall. Scott Rodman answered that he took them back from the library so that they wouldn't sit there and has loaned out quite a few to people in town that he has known. He stated that it's amazing how many results have come in over four, some right down the street from him. There have been a 16, 20, several four pluses. The one which sat on Bobby's desk at the library read 4.6. Dr. Kanner states that the screening test has a high probability of being accurate but it should be revalidated by retesting professionally or using the charcoal test because it cannot be used as proof positive for radon. He would like to write up a simple protocol on a piece of paper to be included. Trish Miller stated she would like to put a disclaimer with the testing units on a card that can be handed to residents signing out the units, presumably at Town Hall. Scott Rodman stated that he appreciates that people that he has loaned out the devices to have come back to him and told him what the results were so that there's some knowledge of the fact that the issue is broader in town than just one particular area or another. Dr. Kanner states that it is prevalent broadly in general in Middlesex County. It's not present in clumps, it could be every third house here and there, nothing for half a mile, etc. It is high enough in his opinion that it is the reason that he has been pushing this because it is a real occurrence. Dr. Mansfield clarified that Victoria would be willing to give the testing units out, which she confirmed, pending approval from the town administration. Trish Miller will chat about it with Dan Pereira next week. She would be looking to add some information on the town web page, in the Board of Health section stating that they have these available for residents to use on loan. Dr. Kanner would like to add an anonymous but required way of reporting what the results are by way of a piece of paper included with the kit. Trish Miller countered that she thinks Melanie Dineen had stated that there was no way to require people to report results. Scott Rodman noted the need to budget to purchase some small cases so that the unit would be properly protected, which he thinks will cost under \$10 a unit, and he would be glad to help with the process. Trish Miller questioned how many units there were. Scott Rodman stated that he was given eight and would be passing those on to the town. Trish Miller inquired as to whether the cases should be ordered from the company that made the units, or from an Amazon Basics type of supply store, to which Scott Rodman responded that they are just generic cases. Trish Miller stated that she is sure that the board could swing the money for the budget to buy the cases. She states that she likes having them at the Town Hall, having people go to the Board of Health. Scott Rodman noted that he wants everyone to be absolutely clear that these units were given to him from the company to give to the town as a result of the project done at his house that discovered radon. He has no economic interest in this, he just wants to see the testing done. Trish Miller expressed her appreciation for the time and knowledge that he has expended. She went on to say that it is an unknown issue that doesn't get a lot of notice. Scott Rodman stated that he did a piece on radon on YouTube as well as another site which have each garnered about 30,000 views, which he considers pretty good success. He is hoping to get people from around the country and the world to be informed.

The board is moving on to the complaint about noise from Jim White who lives on Bedford Road in Lincoln. His complaint is regarding summer events at deCordova. Trish Miller states that with the Pierce House, all their music and everything has to be done by 9:00 or 10:00 p.m. in the midweek and on the weekends by 11:00 p.m., which is in compliance with the noise bylaws that exist. She goes on to state that she will check in with the police about the noise, however she believes the venues are following the noise ordinances. She goes on to state that if there are outdoor situations that create noise after a certain time, then the police can break it up - for example a party at 1:00 a.m. in the morning.

Dr. Mansfield questioned if the board hadn't gone through something similar with the leaf blower complaints. Trish Miller is going to check with the police regarding the bylaws. She will check when she does the public health meeting with Dan Pereira next week, those meetings normally have police

representation, or she can email them to get clarity on the issue. She feels that the Board of Health would be tethered to whatever the police would be doing if a noise complaint came in due to lack of any enforcement arm. Dr. Mansfield reads out Jim White's email which states in part "It's important that we agree on the applicable regulations, and how they will be enforced, since noise is a pollutant and Massachusetts local enforcement falls to the Board of Health". Dr. Mansfield states that he did a little bit of a measurement, and that Jim White's residence is about at least 3/8 of a mile away. Dr. Kanner goes on to say that that is well over a quarter mile which is not close. He asks to be reminded of the complaint. Dr. Mansfield reads "I expect that people are now planning their spring and summer celebrations at the deCordova and Pierce House, that he has lived at his home on Bedford Road for 40 years and that this is the first time in all these years that it is too noisy to spend time outdoors or even open windows during outdoor events. This shouldn't be happening in Lincoln, which has always been a place of quiet refuge for us and other town residents. " Dr. Kanner state that he is certainly a solid half mile from the Pierce house. Trish Miller Googled noise ordinances for Massachusetts, and it states that the DEP has established a noise level policy for implementing this regulation. The policy specifies that the ambience sound level measured at the property line of the facility or at the nearest inhabited buildings shall not be increased by more than 10 decibels weighted for the A scale during its operating hours. Dr. Kanner states that if it's just outdoors and nothing is happening, that it could be 40 dB, or sitting around in the outdoors quietly could mean you got up to 50 dB which is low, low conversation and then you're doing something bad which doesn't make a whole lot of sense. Loud noises such as what the Board went through with the leaf blowers needs to get up to 80 or 90 dB, which is the point where it begins to get meaningfully noisy and annoying. He questioned if it's only an increment of 10 decibels, how they would operate. Trish Miller questions that with the distance between the deCordova and the person's property line, that it is so far away that she doesn't think the noise level would register. She could understand how it could be an annoyance if he likes things very quiet. Dr. Mansfield asks if Dr. Kanner still has his decibel meter, which he answers affirmatively. There's a suggestion from Dr. Mansfield that one of the board could go and measure the noise at the complaining party's property line to see if there's anything that can be done. Trish Miller will read the regulations closely to determine if there are time restrictions for noise. Dr. Kanner questions if there are curfews in the town or for either of the venues. Trish Miller replies that there are for bands, that at an event attended by her kids that the DJ had to be done by 10:00pm. She acknowledges that people who live along Weston Road, across from the Pierce House, are likely to not always be happy because if there's a party going on they are going to hear it. However, she doesn't know that there's much that they can do about that. She would like to hear from the police because they're probably the ones that get called and they're probably most familiar with what they have the authority to do or not as well as any rules. Trish Miller stated that it is probably one set of rules for outdoor events and another for indoors, she goes on to state that because of the tent at the Pierce House that's where the noise travels. Dr. Kanner states that this resident is a half a mile from the deCordova. He is also interested in knowing what the decibels are at the event space. He agrees that talking to the police is a great idea as well as finding out from the deCordova and Pierce House what their rules are. Trish Miller will email the link to the Massachusetts noise regulations 310 CMR. 710 and they will revisit this issue at the next meeting. She hopes that maybe the information that she gets from the police will help them be able to at least craft something of a response to the individual complaining about what can and cannot be done.

Trish Miller double checks the agenda for the evening. COVID discussion is being pushed down the road, the radon event was talked about, the noise complaint, the update from Melanie, the minutes have been taken care of, they will discuss permission for Victoria to sign bills with Dr. Mansfield.

Dr. Mansfield mentions that Jim White has shared that he understands that there are several different entities involved in the noise problem, and Dan Pereira was copied on that email.

Dr. Mansfield asks if everyone has read the minutes, Trish Miller answers in the affirmative. Trish Miller puts out a motion to accept the minutes, Dr. Mansfield -aye, Dr. Kanner – aye, Trish Miller- aye. Dr. Mansfield states that he would like to give Victoria permission to sign the bills for him. He moves to give Victoria permission to sign the bills for the recycling and whatever else. Trish Miller questions if Elaine just used to mention those bills at the meetings. Dr. Mansfield states that if Victoria needs a signature from him that he has to appear at her office during office hours, which is not huge, but her signing the bills would be easier. He is fine with her signing the bills. Dr. Mansfield motions for Victoria to be able to sign the bills, Trish Miller seconds the motion to give her authority to sign to pay those vendors. Dr. Kanner - aye Dr. Mansfield- aye Trish Miller- aye. Dr. Kanner would like to allot 100 to \$150 for cases for the radon units. Trish Miller states that Scott said he would send us some options, and it would be between \$10.00 and \$20 apiece. Dr. Kanner asked to authorize the spending of the \$100 - \$150. He states that there has to be \$100, \$125 hanging around in the budget to which Trish Miller replies affirmatively.

Dr. Kanner asks when the next meeting will be, and it has been decided to be the 15th of March at 7:30pm via zoom as usual, until the governor says they cannot meet this way. Victoria asks if the meetings get moved to in person, where would they meet? Would they meet in Concord? Dr. Mansfield asks if that was on the table for coming back as he knows they had an extension to July 16th, 2022. Dr. Mansfield and Trish Miller stated that they meet in Lincoln Town Hall.

At 8:47 p.m., Dr. Mansfield made a motion to adjourn the meeting, which Dr. Miller seconded. By roll call the members of the Board of Health voted: Dr. Mansfield- aye, Dr. Kanner- aye, Patricia Miller-aye.

Submitted by Victoria Benalfew