

## Meeting Minutes

Board of Health Meeting: February 18, 2021

In attendance: Katie Goldrick, Kat Tribulski, David Reilly, Abbey Myers

Open Meeting: 7:00pm

Katie Goldrick: I would like to ask everyone to take a moment of silence for the 10 residents that we lost, for everyone that has been inflicted with COVID and hasn't had the opportunity to see family when they were in the hospital, and just acknowledge everyone that has gone through this entire year of difficulty. (Moment of silence). Thank you very much. I also want to thank the whole food pantry. They have provided our town with substantial resources and assistance. They have increased the amount of people that rely on food and supplies. They have a small group of volunteers that have worked very, very, very hard this past year. They have been contacted and on a moment's notice have gathered supplies for families in need. Also, thank you to our paramedics, fire department, and police departments for all of their hard work. I just want to thank everyone - my board members and our amazing health agent Abbey Myers.

Katie Goldrick: Discussion on increasing the size of the Board. When there is a Board of 3, it is difficult to not break open meeting laws and stay in compliance. I have asked the health agent to look into that and to find out what the legal protocols would be in order to do that. I do think it would benefit not only the Board here, but also the town. Are the other Board members in agreement with increasing the size of the Board and would like to add this to a future meeting to bring it for a vote at a town meeting.

Abbey Myers: I have talked to the town clerk about this and am getting the formal steps from Cheryl Sbara, the Director and legal authority for the Massachusetts Association of Health Boards. I'm just waiting on a response from her for the formal steps, and then we can add it to the meeting agenda. I believe the increase would have to be voted by us, and then it would go to the town meeting.

David Reilly: How many members do most towns have?

Abbey Myers: Most town have 5 members. I do agree it is incredibly hard to keep open meeting law with 3 people. It's more useful for us to have 5 members, and most are switching to 5 members.

Kat Tribulski: With more Board members we could do more, and projects would not be so daunting as we could have more members working on projects together rather than one person doing everything alone. And through it all we could still be in compliance with the open meeting laws.

Katie Goldrick: Moving on to TLA trash transfer station. I have not had a chance to read all of the information sent on this. I would like for all Board members to have the chance to review all of the information and we can add this to the next meeting agenda. I will ask Attorney DeLuca to be present as well. Submit questions to Abbey and she can submit these to Attorney DeLuca before the meeting so we can have answers at the meeting. The next meeting is scheduled for either March 9 or March 11, 2021.

Katie Goldrick: Moving on to the litter ordinance.

Abbey Myers: I sent you all the information on the litter ordinance earlier today. The only thing that needs to be changed is the article number, so if you do vote to approve it, vote to approve it with a new article number. This is the same ordinance we have been talking about. For this ordinance we had a public hearing on it almost exactly a year ago, and then the pandemic came and we left the meeting open and for people to comment. Last meeting we talked about adding this on and so I sent it to you for a review. Between the last meeting and this meeting I just added in the paragraph above violations where it says "the Holbrook Board of Health or health agent may issue a citation pursuant to and in accordance with the Mass general laws and the reasoning behind it, as well as a procedure of hearing if someone has wants to file a petition against the ruling of the Board of Health. It is the same thing you would put in any other regulation or ordinance.

Kat and David: No questions from either.

Abbey Myers: Reviewed for Katie the information on retail stores. All retail stores and/or restaurant shall provide trash receptacles for use of customers entering and exiting the premises.

Discussion on wording.

Eric Erskine: It is up to the business itself and/or the property owner to keep the property and premises clean of debris.

David Reilly: I would like to make a motion to adopt a new regulation to bring to the commonwealth and to the DPH.

Kat Tribulski: I second the motion.

Katie, Kat and David: All are in favor.

Abbey Myers: This needs a date to start.

Kat Tribulski: Proposes June 1<sup>st</sup> as a start date.

Abbey Myers: Property owners will be notified and it will be listed in the paper.

Katie, Kat and David are all in favor of June 1<sup>st</sup>.

Abbey Myers: Superintendent of schools contacted the health agent in regards to having kindergarteners and first-graders go in full-time or 4 days a week, as Wednesdays would still be remote. The concern is having enough space to distance 6 feet. We talked to the school and they had a couple of innovative ideas to use the library as a classroom so they will be able to bring the kids back the second week of March for the kindergarteners and then hopefully the third week of March would be the first graders.

Abbey Myers: As of 2pm today we have 16 active, 2 probable, 10 deaths and 855 recovered in town. Thankfully we're in the teens and hopefully we can go down to single digits soon, but that does not mean that we need to loosen any restrictions. We coordinated with the towns of Randolph and Avon, and we have a vaccination site set up and we hold clinics every Wednesday and Friday from 2 to 6 and every Sunday from 10 to 3:30. The links to sign up are

on our website. We also just hired contact tracer so she will be put to a vote by the Board of Selectmen on Wednesday the 24<sup>th</sup>. We have started processing some of her paperwork, she will need to take HIPPA training and then she will do a deep dive on contact tracing. This will leave me more time to do COVID vaccinations. We are also looking into doing vaccinations at Ramblewoods and the Holbrook Court. We are also talking to the Council on Aging and we're going to try to get those vans up and running so we can take people to our vaccination site. We are also looking into plans for homebound people who cannot get to the vaccine site. We might be able to coordinate going to their houses to give the vaccinations. This will take some work. We are also working on doing vaccine awareness campaigns.

Katie Goldrick: Next is Old Castle. This has been an ongoing process with the Old Castle facility, and we had some significant work to do to reduce noise pollution and sound problems throughout the community. The company Old Castle has requested is for the planning board to review their planning board zoning to potentially open up to 24 hours of operations. We've had some significant feedback in opposition of that. We are going to hold a hearing on March 23<sup>rd</sup> to have everyone come together: The Board of Health and the Planning Board to have a conversation about future allowance for business operations.

Abbe Myers: Read a citizen's statement: This is from Barbara Gaynor. She says as the company continues to try to remediate the mass of machine being located over the hill on Woodlawn Road parallel to Arbor Road what I hear is the most and loudest is the noise coming from work activity my home vibrates. She said for any board to consider expanding the hours for production is a slap in the face for the years residents have been subjected to.

Russ Grasso (resident): We are reliving what happened in 2005 where there objections from the residents about the noise at night. Our ambient levels are low and it is easy for the company to exceed ambient levels. I noticed in the report that there were no northern property line sensors or evaluations done. We here vehicles, impacting noises and conveyor noises. It is very annoying. It is like living in a third world country. This is a distraction from what I'm doing, it is reducing my enjoyment of my life. Life liberty and pursuit of happiness affects that I'm mostly experiencing.

Lisa Nickerson (Resident): I'm a longtime resident, almost thirty years now. I just wanted to give an update on the noise that affects myself and my family. During the day, now that I'm home working from home since March, the daytime noise I'm hearing the loader is extremely loud, the loud slamming of the tailgates when they dump. I can hear the Masa still. The evening noise is worse ads the ambient levels drop. I can hear the Masa humming noise outside and inside my home. We also hear this continuous banging noise. This happens during the night and sometimes on Sundays. They can still hear the noise even with the new enclosure, and on January 5<sup>th</sup> the machine was running until 11:00 pm and kept them awake. The police and town were notified about that incident. An email was also sent in November complaining that the noise could still be heard. I was advised at that time that Mr. Nihtkirk had said eliminating the noise entirely was never a reasonable goal or expectation, and they were just trying to mitigate the noise. We had been previously promised several times that they can solve this, not to worry. It was never resolved. The new enclosure does make it quieter, but we can still hear the noise. Also just the fact that we do have town bylaws that address what nuisance noise is. The nuisance noise laws are there to protect us from any noise that is unreasonably interfering with the comfortable enjoyment of life and property. Noise that is a nuisance can affect your well-being, and this most definitely has affected my world because being it has caused me great stress, lack of sleep, and anxiety.

Chris Nickerson (resident): Connor invited him to visit Old Castle either Monday or Tuesday. Has spoken to at least 10 other neighbors who are still hearing the noise. The Masa machine is still making a lot of noise. They are very happy with the 10pm stop time. They are happy there are no more overnight hours. They did testing, but it was not a whole shift – it was just small snapshots in time. There is a small difference in DBAs from 2019 until now. You can see from the data there has only been a very small change. There should be a 30 DBA difference to make a difference in the noise level. They have done a lot of work and I do appreciate it. It's gotten a little better, but it needs to be better. They have a public hearing, but not a lot of the public can come and that is not a public hearing. This has been an ongoing problem for the residents for 20 years. This isn't just the last three years, it's just the last three with the newest problem - the Masa. It took a whole year for us to go to court to have them comply with what the town did legally to change their hours. So now 4 months later we are giving them a spot at the table, and to be honest they don't deserve it. It's very nerve-wracking, it affects my blood pressure and it ruins my night if I go upstairs to my bedroom before 10 because I can hear the noise up until 10pm.

Lisa Topping (Resident): My family has owned this property for over fifty years and no business in this area had four shifts. Three years ago, in March I heard this humming noise had no idea what it was. I reported this to the Town of Holbrook. Things were not moving fast enough so I got involved. I started digging and I found special permits that Old Castle didn't abide by and they had to do with noise and issues that other neighbors complained about. It's been three years of this three years that I can't go in my backyard and enjoy my backyard. I have to wait till 10 at night when all the other businesses are closed at 5pm. It is unbearable. I can't do that anymore. They made promises and promises and then nothing happened. Finally, we went to court and all of a sudden everything speeding up now. They made promises and this could have been fixed 3 years ago, but it didn't get fixed 3 years ago. There were still issues I found in special permit of people complaining years ago about this place. I don't know how it can be allowed for 4 shifts being so close to residential a lot with all this noise. All the other businesses closed at 5. The other thing that I want to make my point when the Board of Selectmen met with Ryan McGovern, he did a display and David Cote said that sound enclosure wasn't going to fix it. I'm afraid of getting hours back because they can't give me back my 3 years of what I've gone through. And they have never reached out to me.

Abbey Myers: I am just wondering if there is a difference in the noise level in the spring when the leaves have grown back on the trees versus now in the winter. I know old castle also just demolished one of the buildings that potentially could have blocked it with the sound. I want to see business thrive, but I also want to support our residence health and well-being. I also want to look into why some residents hear noise and others do not.

Kat Tribulski: We talked about this very briefly with the last sound survey from David Cote. There is low frequency vibration and certain things has a resonant frequency to it - everything has its own resonant frequency. It is basically the sound something makes if you strike what they call a tuning fork - those metal things - it vibrates at a certain sound based on the size and shape of that objects. Based on the sounds that Old Castle is making, it is possible that some people have an object or a house or plumbing or something that is at that resonant frequency that is making it seem amplified, but it is still stemming from Old Castle that seems to be making it occur. Also, it comes with directionality, so if you're in a yard with no vegetation and you don't have a fence, the weather is dependent on the sound sometimes and also how well a house is insulated has to be considered. The best way that I try to describe it is if you hold a cell phone in your hand and it's on vibrate you feel it and you can hear it somewhat if you have normal hearing, but if you put it on a table get so much louder. That is because it's vibrating not only the

object that is hard and it is now amplifying the sound. This could be occurring even if we take measures to keep Old Castle below the limit; it still could be causing this effect in various homes and violate the current noise ordinance. I did just want to speak to the voice survey. All the surveys were taken while the plant was operating at a time where we don't get complaints. Most complaints are coming at 2am and 5:30am. They are absolutely taking the measurements that they need to take, but when we talked about ambient noise level it needs to be comparable to the times the complaints are coming in.

Connor (Old Castle): The best place to start is the sound study. Our intent was to understand what the impact of the new enclosure was versus what was previously there. We did look for an interpretation of the results with the sound engineer. My understanding is that 3 decibels drop is about a 50% in noise intensity, and the decibel drop that we were reading was a 75% in noise intensity. He refers to another resident who is no longer on the call and assumes the reason for that is the reduction of the noise level. This shows we've taken a dramatic step in the right direction with enclosure. As for the comment about not testing at night – they are not allowed to operate at night so that is why there is no testing then. We did the best we could with the hours we are allowed to operate. We realize this did not solve the problem 100%. My suggestion is to try to look at what may be going on in particular residences and do some studies on some homes that might still be affected. There is still more work to be done. We will do whatever residents allow. We are offering to do some vibration testing, which was not originally an issue. I have heard a number of times about all the sins of the last 20 years, which I can't speak to everything that has gone on. I think there is a feeling that all the sudden everything accelerated when we got our hours reduced and injunctions in place. I would like to be clear with all of the residents, these are things that take a long time. It is a 12 month process for us to tear down those building. There was asbestos remediation. It was a 12 month process to get the enclosure installed, especially with COVID. It took 4 extra months for us to work with engineers in German to install this properly. These things have been in the works for a long time. We have been pushing and trying to be a good neighbor and get our partner to get this done. This is not something that any court decision drove. We are requesting modifications to try to get a special permit to get some of these hours back. We have never said we want to adjust it to get 24 hours back, in fact I think we'd be comfortable with just getting a few hours back. We're trying to change our operations to accommodate being shut down during certain times, and not running our machine. After 10pm there was a reference to loaders and conveyors and all the outdoor noise that's going on. We wouldn't have any intention of running any of that equipment after 9 it's been a hard stop. Hopefully that's something that would mitigate some of the folks to the north and what they were hearing – any sound is just the machine itself. I think that's the crux of this. A lot of things have been brought up, but our focus was on the trigger for what caused our hours to get cut, with some of the some of the concerns of the frustration around the machine, and that's where we really targeted a lot of our efforts. We tore down buildings, improved curb appeal, and we've done a lot of things to be a better neighbor. We have heard from a lot of people that things are far better than they were and not nearly the burden that it was. And for some people it's gone away entirely and for some people it has just gotten better, but at the end of the day I don't think it's the public nuisance that it once was. We continue to work with the town on the other things that have been brought up.

David Reilly: I am more concerned about the yard noise. I know they have done a lot to try to fix things. Are the taking deliveries at night?

Katie Goldrick: I don't want to answer for them, but I don't think that they're specifically taking deliveries. A few times we have had a third-party delivery truck park illegally outside of the

building blocking the yard. I know that there are some traffic concerns when they do exit the location. I do not believe they are openly taking deliveries overnight.

Connor: That is correct. We did have an issue with a third party, but we put signs up with instruction on what not to do so they are aware of our policies and procedures. We have no intention of trying to operate outside the guidelines. We are really trying to make the town of Holbrook a priority in terms of fixing some of the things that were plaguing residents for what seems like 20 years at this point.

Kat Tribulski: No questions at this time.

Katie Goldrick: My overall concern is that the Masa machine was originally installed without a permit, without any legal permission to do so. The reason we knew it was installed that way was that an old castle employee posted it on a public forum such as Facebook. My concern is that transparency is a significant issue. I do feel as though for us to get anything done has been a very significant burden, not only on our time financially, legally, emotionally. Very often I feel exhausted dealing with this, and I don't live in that neighborhood. We have residents from 20 years ago still showing up at this meeting. That is pretty significant. I do appreciate what has been done, but I do feel that these changes have been forced. I do think that us asking doesn't work, and my concern is if we do open up hours, we will never get them back. When we do have a joint meeting, I will be reviewing all of my notes and I would ask the board to do the same for the meetings that you've attended and note any complaints you received from residents. I do think that we have come a long way, but it has been a very significant struggle and I cannot say that it has been an easy approach. I feel like we have not only had to ask multiple times, but also often use the power of our legal representation in order to get what we need to get done in order to solve problems that are already on record as the responsibility of the business owner. There are basic simple things that they are required to abide by and often they do not, and that is concerning, especially since this is over a two-decade period. We can address this at the joint meeting on March 23<sup>rd</sup>.

Kat Tribulski: In preparation for the upcoming meeting for Oldcastle, I just want to remind the members of the board, citizens and Old Castle, if there are any timeline documents. Calendars or things like that we have copies of all of those, but if there is additional information please send that to the Board of Health.

Ryan: Old Castle was nice enough to be willing to work with you and do studies. Please take advantage of this. To make an informed decision, allow them to do whatever study and work with them please. We need information and to make an informed decision we need information. I appreciate that Connor is willing to do that, so I do want to encourage everyone to do that whatever the results are.

Chris: To address a couple of things that were brought up earlier. The additional hours and your concern about not getting them back, the conversation on this has always been that if hours were given back, regardless of the number, it has been made clear that this would be in writing and on a trial basis. If anything was to happen we would be down and report this to keep everything documented. I definitely see both sides of this. When a decision is made, it is not going to necessarily be what everyone wants, but we take the information and make the best decision for the Town of Holbrook as a whole. Connor and Joe extended the courtesy to me, and I intend on making several trips down there over the next couple of weeks, preferably after hours to be able to gauge what I can personally see, feel, hear on that site. They've been very accommodating. I encourage any of the Board of Health members, if you would like to have a

more accurate description of what is going on there, to reach out to one of them and I am sure they'll accommodate you. I have also made that offer to some residents too.

Katie Goldrick: We are going to finish the meeting with resident's concerns, complaints and questions.

Lisa Topping (resident): I have a question with back-up beepers on at 84 Lumber. They have three or four forklifts going at one time, and I don't know if it's in the sound ordinance bylaws - is it against the bylaws for them to be going all day long. The concern is that the noise is overwhelming during the day. Is there something else that can be used that is quieter?

Katie Goldrick: All businesses have to follow the bylaws. Asks Abbey follow up with 84 Lumbar and see if he has an ideas or any plans to make those changes, if that's a possibility. Then we can follow up with Lisa. The bylaw does state that any alarm, siren or mechanism used for the alert or purpose of alerting a person, the existence of emergency or attempted crime, but we could ask them if there is anything that can be done.

Russ (Resident): For Old Castle - I think we need to fix the problem of the daytime before expanding the hours into the night.

Chris Nickerson (Resident): As far as him saying that he's never done any tests at our house, they did air testing for 5 days, and they didn't test for vibration. He keeps on saying that and it is untrue. David Cote had determined that 125ft from the building with a massive machine is in that there was no more ground vibration happening. If he was here for 5 days for a true sound ambient levels everything 24 hours a day - they didn't like the data that they got and that's why they no longer have David Cote involved.

Ryan: I got the study and I got a lot of questions. I haven't seen those studies, but if you have them, please send them to me.

Kat Tribulski: Connor raised his hand and indicated that he has the studies. Kat requested those be sent to Brian Donovan and the Board of Health.

Connor: to my knowledge it was vibration testing that was done and I don't know what air testing was done. We only did testing around the perimeter of the house, not inside.

Katie Goldrick: We will have ready for review both sound studies for comparison and some general history for the planning board to review. If there is anything anyone wants to add or has additional feedback, please feel free to email Abbey. We have the hearing on March 23<sup>rd</sup>.

Kat Tribulski: Can make a slide or just read the names out loud – we have had so many people in town volunteer between the food bank, religious services, nurses and other trained medical professionals to give vaccines, etc. I think the rest of the town deserves to know who those people are and how much that they've tried to help everyone else during the pandemic.

Katie Goldrick: I love that idea. Items for the next meeting: Mr. DeLuca, TLA and increasing the size of the Board.

David Reilly: We should also give citations to all of the volunteers too.

Katie Goldrick: Agree that is a good idea.



A handwritten signature in black ink, appearing to read 'Katie Goldrick', with the date '6/11/2021' written below it.

Kat Tribulski: Motion to close the meeting.

David Reilly: Second Motion

Katie, Kat, David: All are in favor.

  
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