

August 11, 2022

Sterling Board of Health Meeting
Butterick Building, Lower Level Conference Room
1 Park Street, Sterling, MA 01564

Meeting Minutes

6:00 PM Chairman Hoffman called the meeting to order.

Roll Call: Allen Hoffman, Chairman – present
Anne Marie Catalano – Member – present
Cathie Martin, Member – present via telephone
David Favreau, Health Agent – present
Elaine Heller, Administrative Assistant – present

Attendees: Cecilia Rausch, David Rausch, Richard Mansfield, and Dan Wolfe

General Business Updates:

Approve Any Available Minutes – July 21, 2022:

After review, a motion to approve revised minutes was made by Catalano and seconded by Martin. Roll call vote: Catalano – aye; Martin – aye; Hoffman – aye. Motion carried.

Correspondence: None

Health Agent Report: Update regarding Geese complaint at lake 7/27/2022; Application regarding 101 Osgood Road ADU has been withdrawn due to project cost; 140 Leominster Road Title 5 Inspection; Public records request for 78 Worcester Road:

A geese complaint at Lake Waushacum was received, with a concern for possible water pollution. Water quality testing continues to be performed weekly, and the water meets the standards of water quality for public swimming beaches.

The application for a septic system at 101 Osgood Road, which had been approved by the Board of Health, Conservation, and Zoning Board, has been withdrawn due to cost of the project.

Health Agent Favreau advised Board members that he witnessed a scheduled T5 inspection at 140 Leominster Road on July 19, 2022. When the Health Agent arrived at the property, all septic components were not exposed and available for the inspection. The Title 5 Inspector, Jeff Curtis, owner of CSI Septic, stated that the as-built drawing did not depict the accurate location of the components and that components were not there. Mr. Favreau commented that he would come back later in the day if Mr. Curtis wanted to stay and finish the inspection or on an alternative date. Mr. Curtis declined. Later the following week, the office of CSI e-mailed the BOH office to schedule a re-inspection at this property, with a date of August 2nd. The BOH office reminded CSI admin that a \$50.00 re-inspection fee would be assessed. CSI responded in the e-mail that they would send the fee VIA the mail. On August 2nd, Jeff Curtis called the office to inform that he was ready for the Town to witness this inspection. The office administrator reminded Mr. Curtis that the fee had not been received. Mr. Curtis responded that he was not paying any fee, and hung up. Mr. Favreau went to 140 Leominster Road to witness the Title 5 Inspection.

During the process of witnessing the T5 inspection, while at the septic system pump chamber testing the float controls, Mr. Favreau asked Mr. Curtis about the outstanding inspection fee. Mr. Curtis became very angry, complaining that the Health Agent was only interested in the money, and stated that you make these rules. He grabbed an iron bar, approximately 2-1/2 feet long, and hit Mr. Favreau in the face. When Mr. Favreau scrambled to straighten his glasses, Mr. Curtis then hit him in the back, while yelling, "You're bad, you're bad, you're bad!" Health Agent Favreau called 911 and several police officers arrived. Mr. Curtis was arrested for assault and battery with a dangerous weapon.

Mr. Hoffman suggested the Board vote to hold a hearing regarding possibly revoking his license in town; Mr. Favreau noted Mr. Curtis has a hauler's license, but not an installer's license through the town. He has a T5 license issued through the state.

Any updates will be addressed at the next Board meeting, scheduled for September 8, 2022. A pretrial hearing on this matter is scheduled for September 12, 2022 in Clinton District Court. Mr. Curtis will be notified of any BOH meeting if any action is to be taken regarding his licensure.

Chairman Hoffman made a motion that neither the Health Agent nor the Alternate Agent be allowed to be alone with Mr. Curtis. Anne Marie Catalano seconded the motion. Roll call vote: Hoffman – aye; Catalano – aye; Martin – aye. Unanimous vote.

A Sterling resident has been submitting public records requests, with the most recent being for 78 Worcester Road. The owner of 78 Worcester Road wants a 2-bedroom accessory apartment on the first floor where there is currently commercial space. Additional bedroom(s) would be increasing flow and change of use, which is not allowed unless the system is upgraded to meet compliance. The Board of Health formally notified the applicant and ZBA of this denial until a system upgrade has been achieved.

The Health Agent updated the Board on the property at 161 Rowley Hill Road, as the homeowner is considering an application through the ZBA for an Accessory Dwelling Unit. More information is needed prior to the applicant petitioning the ZBA for this request.

Signatures Required: Done

DPH – Interagency Updates:

Ms. Martin noted West Nile Virus and EEE surveillance was done by the state; all testing performed was negative. There are approximately 157 cases of the monkeypox virus in Massachusetts, and the state is providing a first-dose vaccination. This virus is spread through skin-to-skin contact.

Appointments and Agenda Items:

139 Rowley Hill Road Variance Request: (CONTINUED)

Sterling Subsurface Sewage Disposal Regulations: IV.a. – Leach beds shall have 1,000 square feet of leaching area with a minimum of 12 inches of stone beneath the lateral pipes. Proposed: A leaching area of 641 square feet is provided in conjunction with the Presby Enviro-Septic system. Additionally, no stone is required for the installation of the Presby system. This design and installation is proposed in compliance with the DEP approval for General Use.

Dan Wolfe of David Ross Associates appeared before the Board on this variance request. He presented a revised plan for approval for a Presby system, as requested at the July Board meeting. The plan included reserve area details and also added specific elevations of trenches.

Hoffman made a motion to accept the revised plan and Catalano seconded the motion. Roll call vote: Hoffman – aye; Catalano – aye; Martin – aye. Motion carried.

Sterling Fair and Avian Flu Discussion:

The Spencer Fair and Bolton Fair have prohibited fowl from this year's fair events. The Fair committee discussed the matter of Avian Flu with Mr. Favreau. Resulting from the concerns of the Commonwealth, and the disease, the Fair committee agreed that fowl would not attend the Sterling Fair this year.

Review of Future Agenda Items and Meeting Date:

The next Board of Health meeting is scheduled for September 8, 2022, at 6:00 PM in the Lower Level Conference Room of the Butterick Building.

Adjourn:

Cathie Martin made a motion to adjourn and Anne Marie Catalano seconded. All were in favor and the meeting adjourned at 6:42 PM.

Materials: Minutes