

December 12, 2019
Sterling Board of Health Meeting
Butterick Building, Lower Level Conference Room
1 Park Street, Sterling, MA 01564

Meeting Minutes

5:30 PM Chairman Donna Clark called the meeting to order.

Roll Call: Donna Clark, Chair – present
Gary Menin, Vice-Chair – present
Allen Hoffman, Member – present
David Favreau, Health Agent – present
Elaine Heller, Admin. Asst. – present

Attendees: Matt Scannell, Selectwoman Arden Sonnenberg, and David Duarte

General Business Updates:

Approve Any Available Minutes:

A motion was made by Gary Menin to approve revised minutes of the October 10, 2019 meeting, inclusive of both Allen's & Gary's comments regarding an abandoned swimming pool at 32 Bean Road. At the November 8, 2018 meeting, the Board of Health noted that the Building Inspector was working on the problem. Allen Hoffman seconded the motion. All in favor; motion carried.

Allen Hoffman made a motion to approve minutes of the November 13, 2019 meeting and Gary Menin seconded the motion. Unanimous vote.

Allen Hoffman made a motion to approve revised minutes of the November 14, 2019 meeting. Gary Menin seconded the motion. With all in favor, the motion carried.

A motion was made by Allen Hoffman to approve revised minutes of the November 26, 2019 meeting and Gary Menin seconded the motion. Unanimous vote.

Correspondence: None

Health Agent Report:

Open Meeting Law Complaint: According to Health Agent Favreau, a response to the complaint has been provided certified mail to the Attorney General's Office and to Gary Menin, the Complainant. There has been no response from the AG's Office regarding the alleged violation of Open Meeting Law to date.

Signatures Required: Annual Food Establishment Licenses: Signatures completed.

Review of Future Agenda Items and Meeting Date:

Member Hoffman provided draft clothing bin regulations which for review by Board members. The draft regulations could be discussed at the next meeting, which is scheduled for January 7, 2020.

Public Session: None

Appointments and Agenda Items:

Public Hearing Proposed Floor Drain Regulations:

According to Health Agent Favreau, the floor drain regulations have been agenda items many times since 2014, with no action taken. The town Water Department benefits from these regulations concerning the amount of water drawn from wells in town. The amount of water the town can draw from municipal wells is regulated by State permit.

In reviewing the regulations, Mr. Menin noted MDC traps should be defined. Mr. Hoffman indicated a diagram of MDC traps should also be included. Further discussion led to many questions that require clarification from DEP. Mr. Hoffman made a motion to defer further review of these regulations until the Health Agent can get DEP contact information. Mr. Hoffman would like to speak with DEP representation on this draft regulation and request clarification on several items; the hearing will continue on January 7, 2020.

Gary Menin seconded the motion. All were in favor; motion carried. Mr. Menin will follow up with DEP on his questions.

Review of 2019 Animal Inspector Budget:

Animal Inspector Louis Massa provided a letter to the Board, detailing his job functions and responsibilities that are done on a yearly basis. Mr. Menin indicated that though he considers Mr. Massa's budget to be justified, he would like to see greater detail in Mr. Massa's executive summary of annual actions. The information was reviewed by Board members.

Discuss: FY21 BOH and Animal Inspector Budget:

Health Agent Favreau suggested a detailed discussion of the Board of Health budget and Animal Control budget be done at the next meeting. Department Heads have received a guideline and endorsement of a 2% increase in salary for municipal employees. Mr. Favreau is currently working on the budget, which will be available for the January meeting. Mr. Hoffman noted staffing is still an issue and Mr. Favreau commented he would like to see the office open 4 days per week, which would be beneficial to the public. It is currently open 3 days per week. The Health Agent is prepared to submit responsibilities and data on how the extra hours would be used.

Mr. Hoffman noted a salary increase for the Alternate Food and Septic Inspector should be discussed during that meeting.

Discuss: 3 Fox Run Road Agreement/Deadlines:

Mr. Favreau noted, after a review of the BOH record / files, the September 24, 2019 agreement signed by Mr. and Mrs. Rivers, which outlines timelines and deadlines to upgrade a System Failing to Protect Public Health and Safety and the Environment some have been met, and others have not. He suggested the Board formally notify the Rivers as to the deadlines that have not been fulfilled, and inquire as to what/how/when the agreement deadlines will be fulfilled.

It is Mr. Menin's belief that all deadlines have been complied with, and Mr. Menin commented that he provided proof of compliance to Mr. Hoffman via email. Mr. Hoffman noted he did not receive an email. Furthermore, per advice from his own attorney, Mr. Hoffman is under no obligation to comply with the agreement as his potential involvement with conditions of the agreement were not revealed to him at the time he signed the agreement. Retrospectively, it appears that stipulation #5 of the agreement had an indecipherable statement and was left blank by Town Counsel when Board members signed the agreement. It was further noted that the Public Record maintained in the Board of Health Office did not have the required documents supporting these outstanding deadlines.

Mr. Hoffman made a motion that the Board of Health send a letter to Mr. and Mrs. Rivers, noting that specific Items in the agreement have not been fulfilled. Donna Clark seconded the motion: Vote: Hoffman - aye; Clark - aye; Menin - nay. Motion carried.

Mr. Duarte, an abutter to the property, questioned as to when the information on this failed septic system will become public. Mr. Duarte, noticeably frustrated with the amount of time taken to correct a septic system that purportedly creates a public health hazard by means of leaching sewage to the surface, further inquired what the legal expense to the town for this ongoing situation has been to date.

It was noted: the recently approved minutes of November 14th agenda item; to request a Reserve Fund Transfer in the amount of \$5,500.00 to cover current and ongoing legal expenses for legal invoices through September 2019 with anticipated future legal expense on this matter. Mr. Duarte commented that the taxpayers of Sterling should know how much this public health threat is costing the town in legal expenses.

As a courtesy, the Rivers were notified of this meeting to speak on their own behalf, but were unable to attend. The Rivers have until May 2020 to get the septic system upgraded. Mr. Duarte requested a discussion on 3 Fox Run Road be included on the January 2020 agenda as it is an ongoing issue.

Performance Evaluation of Health Agent:

Both Donna Clark and Allen Hoffman completed the Performance Evaluation of Health Agent Favreau. Gary Menin indicated he was not prepared to participate in the evaluation and stated he did not receive the form in time to complete it and would do the evaluation separately. Mr. Favreau stated that forms had been emailed on November 19, and that the forms were the same as last year's form.

Adjourn:

A motion to adjourn the meeting was made by Donna Clark and seconded by Allen Hoffman. All were in favor and the meeting adjourned at 7:18 PM.

Materials: Minutes, Animal Inspector letter, clothing bin draft regs, floor drain draft regs

