

May 14, 2020  
Sterling Board of Health Meeting  
Butterick Building, Lower Level Conference Room  
1 Park Street, Sterling, MA 01564

Meeting Minutes

6:30 PM            Chairman Gary Menin called the meeting to order.

**Roll Call:**            Gary Menin, Chairman - present  
Allen Hoffman, Member – present  
Cathie Martin, Member - present  
David Favreau, Health Agent – present  
Elaine Heller, Admin. Asst. – present

**Attendees:**        Jack Maloney, Paul Graz, Paul Cormier, Pauline Cormier, David Duarte, Selectwoman  
Arden Sonnenberg, and Mike Rivers

All members and attendees were in attendance via video conferencing.

**General Business Updates:**

**Approve Any Available Minutes:**

A motion to approve revised minutes of the April 9, 2020 meeting was made by Cathie Martin and seconded by Allen Hoffman. Roll call vote: Martin - aye; Hoffman - aye; Menin - aye. Motion carried.

**Correspondence:** None

**Health Agent Report:**

As an update, Health Agent Favreau commented that the property owner at 209 Worcester Road was to be summonsed to Housing Court, as voted at the March monthly meeting. The courthouses are now closed due to COVID-19. The process will move forward once the courts are again open.

**Board of Health Appointments:**

A motion to appoint David Favreau as Health Agent and Kathie Nickerson as Associate Health Agent was made by Allen Hoffman and seconded by Cathie Martin. Roll call vote: Menin - aye; Hoffman - aye; Martin - aye. With all in favor, the motion carried.

A motion was made to appoint Bob Moore as the Alternate Food and Septic Inspector. Allen Hoffman made a motion to appoint him to this position and Cathie Martin seconded the motion. Roll call vote: Menin - aye; Martin - aye; Hoffman - aye. Motion carried.

A motion to appoint Louis Massa as Animal Inspector was made by Allen Hoffman and seconded by Cathie Martin. Roll call vote: Hoffman - aye; Martin - aye; Menin - aye. Unanimous vote.

A motion to appoint Town Clerk Kathy Farrell as Burial Agent and Bob Janda as Plumbing Inspector was made by Gary Menin and seconded by Allen Hoffman. Roll call vote: Menin - aye; Hoffman - aye; Martin - aye. Motion carried.

**Appointments and Agenda Items:**

Variance Request: 50 Holden Road- Sterling Subsurface Sewage disposal Regulations Reg. IV. a., Leach beds to be 1000 square feet minimum, with 12" of stone beneath the pipes (546 sq. ft. sand bed provided using a Presby System, without the use of stone beneath pipes).

Engineer Jack Maloney of Ducharme and Dillis represented the homeowners on this variance request. According to Mr. Maloney, there is a secondary 400 ft. watershed protection area, and DCR has been advised. Health Agent Favreau has received the ruling from DCR, which indicated there is no issue with the design, as presented. A motion to accept the design was made by Allen Hoffman and seconded by Cathie Martin. Roll call vote: Hoffman - aye; Martin - aye; Menin - aye. Motion carried.

Variance Request: 22 Elliott Road - 310 CMR 15.405 (1)(g)- Relief from the 200 foot setback from a tributary to drinking water supply. The intermittent stream on the east sideline of the property is a DCR mapped tributary. The proposed setbacks are 101' for the tank and 105' for the soil absorption system. The Engineer for the variance, Paul Graz, made the presentation. Approval of the variance has been received from DCR and the Sterling Conservation Commission. After discussion, a motion to approve the variance request was made by Allen Hoffman and seconded by Cathie Martin. Roll call vote: Hoffman - aye; Martin - aye; Menin - aye. The motion carried.

Board of Health v. Rivers, 3 Fox Run Road - Sewage break out complaint, discussion of septic plan and litigation strategy; open session discussion expected; executive session pursuant to G.L. c. 30A, §21(a)(3) expected if discussion of the matter in open session will have a detrimental effect on the Town's litigating position and the chair so declares.

Mr. Menin began the discussion on this subject, with his observations on the status of the septic replacement. He spoke with a representative at Curtis Septic System (Northboro Septic) and was advised work on the system would begin by Monday, May 18, 2020 at the latest, and be completed by the end of May.

Mr. Hoffman noted the agreement dated September 24, 2019, reached between the Board of Health and Mr. and Mrs. Rivers expires on May 15, 2020. He then made a motion that the Board of Health delay requesting Town Counsel to seek legal action against Michael Rivers et al, for non-compliance with the agreement between Michael Rivers and the Board of Health if the following two conditions are met:

1. Work has commenced by a licensed installer to replace the septic system no later than 5:00 PM, Monday, May 18, 2020.
2. The construction of the new septic system has been completed no later than 5:00 PM, Friday, May 22, 2020.

A roll call vote was taken: Menin - nay; Hoffman - aye. Cathie Martin then amended the motion to extend the completion date to no later than May 26, 2020. Allen Hoffman seconded the amended motion. Roll call vote: Menin - nay; Martin - aye; Hoffman - aye. Motion carried.

**Adjourn:**A motion to adjourn the meeting was made by Hoffman and seconded by Martin. All members were in favor and the meeting adjourned at 7:36 PM.