

December 10, 2020  
Sterling Board of Health Meeting  
Butterick Building, Lower Level Conference Room  
1 Park Street, Sterling MA 01564

Meeting Minutes

6:04 PM Chairman Cathie Martin called the meeting to order.

**Roll Call:** Gary Menin, Member – present, remote connection  
Allen Hoffman, Member – present, remote connection  
Cathie Martin, Chairman – present, remote connection  
David Favreau, Health Agent – present on site  
Elaine Heller, Administrative Assistant – present on site

**Attendees:** Via video-conferencing – Chief David Hurlbut, Chief Gary Chamberland, Barry Lein, Pat Campbell, Kellie Hebert, Arden Sonnenberg, Jennifer Scalise, Robin and Jennifer Szczuka

**General Business Updates:**

Approve Any Available Minutes: November 12, 2020

A motion to move discussion of the minutes to the end of the meeting was made by Gary Menin and seconded by Cathie Martin. Roll call vote: Martin – aye; Hoffman – aye; Menin – aye. Motion carried.

Correspondence: None

Signatures Required: All set

Other Items: None

Discuss Coronavirus: (A) Town of Sterling  
(B) DPH State Updates

The Governor has rolled the state back to Phase 3, Step 1 due to a surge in positive Covid cases. According to DPH, there are 35 active cases in Sterling, with 1 case at Sterling Village. Health Agent Favreau reports receiving calls from daycare facilities, requesting input on managing caseloads. Assistance is being provided.

Chairman Martin reviewed her weekly meeting information with members and attendees, and noted particular areas of interest for the town, including quarantine guidance, the impact of the Governor's rollback to Phase 3, step 1, and information on the vaccine, soon to be available.

**Public Session:** None

**Health Agent Report:**

On a positive note, Health Agent Favreau received a note from Sterling Gymnastics indicating the owner appreciated the input from the Board of Health office regarding COVID.

Discuss Coronavirus (continued):

Chief Hurlbut and Firefighter/EMT Erik Ares are waiting for approval from the state to administer the Covid vaccination.

He commented that call volume is up at the Fire Department; more residents being tested reflects in more positive results for the virus.

Chief Chamberland indicated the Police Department has received no Covid complaints. The lobby remains open.

Library Director Pat Campbell noted the library is still doing curbside delivery of books and offering remote services.

### **Appointments and Agenda Items:**

Discuss recent email BOH Chairperson received dated December 10, 2020 re: 24 Kendall Hill Road:

According to Ms. Martin, all members subsequently received the email which had been addressed to her, from homeowners Robin and Jennifer Szczuka. Mrs. Szczuka read the email during the meeting for inclusion into the minutes. Mrs. Szczuka commented that the Board discussed this during the previous meeting creating a violation.

A Title 5 permit for this property had been presented at the last meeting, and was for discussion only, no deliberation. Ms. Martin had asked for this topic to be tabled and discussed at a future meeting. Mr. Hoffman commented that the subject matter, presented only by the Health Agent without deliberation, did not constitute deliberation and discussion by the Board.

In review, Health Agent Favreau noted Ground Control Corporation had filed a Title 5 application request, and the inspection was performed by Terry Heinold. Mr. Heinold had concerns of groundwater determination and noted on the report, "needs further evaluation". In review of this report, the Agent updated the Board, and is waiting for Estimated Seasonal Ground Water documentation supporting this document.

The BOH received a second application (#2), with the inspector asking to schedule an inspection and he was notified of possible dates. The inspector then asked for a copy of the first inspection, performed by Ground Control, and subsequently withdrew from the project.

Ground Control pulled a permit to replace the D-box and the homeowners also applied for a D-box replacement permit.

This information was provided to BOH members at the last BOH meeting, during the update within the Health Agent Report.

Ms. Martin commented that Mr. Menin had recused himself on this matter at the November meeting, but did continue to speak at length. Chairman Martin was not aware at that time that this property was that of Mr. Menin's daughter. Mr. Hoffman noted that he also was unaware at that time that the property was owned by Mr. Menin's daughter.

Mr. Szczuka noted they had a tentative application to replace the D-box; there had been no discussion of cost with Ground Control and no agreement was signed.

In their email, Mr. and Mrs. Szczuka had requested that Mr. Favreau recuse himself from anything to do with their property, stating precedent had been set in the past with other homeowners who did not want the Health Agent involved. It is their belief that Mr. Favreau may be biased as Mrs. Szczuka's father, BOH member Gary Menin, has submitted negative reviews of Mr. Favreau over the years. Jennifer Scalise, a Sterling resident and Attorney, weighed in on this issue, observing that a recusal is done when there is a familial relationship, which is not the case. She also noted Mr. Favreau, as Health Agent, does not vote on matters.

Ms. Martin suggested the homeowners submit a T5 inspection report to the BOH office for review by the Alternate Agent, and Mr. Hoffman will sign off on the permit if all conditions are acceptable. Mr. Hoffman agreed.

Mr. And Mrs. Szczuka stated they also were in agreement with this arrangement.

According to Health Agent Favreau, the protocol is that the BOH witness all T5 inspection and soil testing. The Homeowners commented on the matter of trespass by the Health Agent. Mr. Favreau noted the submission of the permit application grants a Board member or their agent access to the property. Mr. Favreau reiterated the recent motion, that the Szczuka's hire a T5 inspector, which would validate a pass/no pass for a Title 5 Inspection. If the D-box needs to be replaced, Mr. Hoffman could sign it off after review by the Alternate Agent has been accomplished.

Mr. Hoffman will review documentation related to soil testing and the inspection report submittals.

Continued Discussion re: a two-year installer's license renewal vs. annual renewal of installer's license:

Mr. Hoffman does not support a change in the license renewal process, indicating it would be more trouble than it's worth. Ms. Martin does not see it as being easier to monitor. As there is only one person asking for this change, there is no need to change it at this time. Mr. Menin concurred. No vote was needed.

Continued Discussion re: pumping record requirements in accordance with 310 CMR 15.531/15.502. DEP System Pumping Record, Form 4:

As stated on the BOH pumping record form, anyone who does pumping in Sterling is required to submit a completed form to the Board. Mr. Menin offered his opinion that the Agent's letter of advice to pumpers regarding the need for such records was a positive action. The current form is acceptable as is. Pumpers will be reminded of this requirement.

Approve Any Available Minutes: November 12, 2020 (continued):

Chairman Martin called a point of order in regard to draft minutes submitted by Mr. Menin, which had cut and pasted information as part of his draft minutes revisions. She suggested this is not the best way to convey information; it should be sent as an email to the Chair for discussion at a meeting. She stressed she does not want emails sent to her personal email, but to the Board of Health office so there will be no concerns for something occurring behind the scenes. On this note, the November 12, 2020 minutes were deferred to the next meeting.

Review of Future Agenda Items and Meeting Date:

Mr. Hoffman suggested budget items be discussed at the next regular meeting, which is scheduled for January 14, 2021.

The next COVID meeting will be held on December 22, 2020, at 6:00 PM.

**Adjourn:**

A motion to adjourn the meeting was made by Cathie Martin and seconded by Gary Menin. Roll call vote: Martin – aye; Hoffman – aye; Menin – aye. Unanimous vote and the meeting adjourned at 7:54 PM.