

June 14, 2018  
Sterling Board of Health Meeting  
Butterick Building, Room 205  
1 Park Street, Sterling, MA 01564

Meeting Minutes

5:32 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:**                      David Duarte, Timothy Hanrahan, Michael Mullaney, and  
Michael Rivers

Both David Favreau and Gary Menin recorded the minutes of the meeting.

**General Business Updates:**

Approve Any Available Minutes: May 10, 2018:

A motion to approve the minutes, as amended, of the May 10, 2018 meeting was made by Allen Hoffman and seconded by Gary Menin. All members were in favor and the motion carried.

Correspondence:

Health Agent Favreau advised Board members that a complaint was received against Sterling Village regarding a food issue. A formal inspection had been done 2-3 months ago and no issues were found. Mr. Favreau performed another inspection today, June 14, and found no issues.

Signatures Required:

All paperwork was signed.

**Public Session:**

None

**Appointments and Agenda Items:**

Review of Future Agenda Items and Meeting Dates:

After discussion by Board members, scheduled meeting dates are:

- July 12, 2018
- August 23, 2018
- September 20, 2018

Health Agent Favreau suggested consideration that future meetings be held in the new meeting room adjacent to the Board of Health office in the lower level. There was a consensus of approval, unless meetings are anticipated to have a large attendance.

Discuss FY18 Budget Year-End:

Mr. Favreau advised members there is an MPH N invoice in the amount of \$1,537.50 for 13 inspections done while Alternate Inspector Bob Moore was out sick. Gary Menin made a motion to transfer that amount from Bob's salary account to the MPH N expense account. Allen Hoffman seconded the motion. All in favor; motion carried.

Other Items:

The Health Agent spoke on the 3 Princeton Road property, noting there has been no activity and no response to the formal notice that had been sent to the new owner. A meeting to address this issue was scheduled for Tuesday, June 19, 2018, at 10 AM. Mr. Favreau has called the Attorney General's Office regarding using their letterhead for a letter regarding actionable items.

Discuss: 46 Main Street Building Permit:

A building permit application has been received for 46 Main Street, formerly MT Pockets. The new homeowner would like to add a bedroom, which currently has one bedroom. The property has a cesspool, so there is no way to determine the design flow as the BOH office has no design criteria for cesspools. The Inspection Report provided no septic design and the property owner noted he received two different inspection reports. Health Agent Favreau contacted the Title 5 inspector, who admitted he made an error in noting the property was designed for three bedrooms. After discussion, Allen Hoffman advised the homeowner this is a civil matter between the buyer and seller, not a Board of Health matter.

Discuss: New England Power Variance:

Michael Mullaney, from McKenzie Engineering in Leominster, appeared before the Board to discuss this variance request. The town has a requirement for monolithic tanks, but Mr. Mullaney noted a commercial size monolithic is not available locally, and would have to be made onsite. He is proposing a two-part tank, 1500 gallons and double sealed. There was no groundwater found during testing. Health Agent Favreau supports this tank; the town requirements necessitate this variance. After further discussion, Gary Menin made a motion to deviate from the protective bylaw and approve use of a two-part tank, which is the equivalent of a monolithic tank, for H<sub>2</sub>O loading, parged and sealed. Allen Hoffman seconded the motion. All were in favor and the motion carried.

Discuss: Septic System Failure at 3 Fox Run:

Homeowner Mike Rivers was in attendance and indicated he had received a list of installers, as requested at the last meeting. He noted the septic system has been dry during the last month, with no leaking and no flow into the storm drain.

Allen Hoffman inquired as to what Mr. Rivers' plan is going forward. Mr. Rivers will have the D-box checked and the system pumped over the summer. He also asked that Health Agent Favreau abstain from being involved. He was advised that he needs to file a formal request to this effect. David Duarte, an abutter to the property, said the system has been failing for five years. He will call DEP and his attorney if something is not done to address this public health nuisance. Mr. Duarte stated, that as a foster care provider, Mr. Rivers should be reported for this lack of responsibility.

Mr. Hoffman noted the BOH will need to send an enforcement letter if actions are not taken by Mr. Rivers in a timely manner to correct this nuisance matter.

Gary Menin made a motion that Mr. Rivers prepare a statement of remediation actions and complete an inspection of the system by an independent Title 5 inspector by Tuesday, June 19, 2018. This inspection shall be scheduled, and witnessed by the alternate septic inspector. The results of the inspection report must be submitted to the Board of Health office by June 28, 2018 for review and discussion at their July 12, 2018 meeting. Allen Hoffman seconded the motion. All in favor; motion carried.

**Adjourn:**

A motion to adjourn the meeting was made by Allen Hoffman and seconded by Gary Menin. All members were in favor and the meeting adjourned at 7:10 PM.