

Board of Health
Meeting Minutes
April 10, 2014

6:31 p.m.	Meeting called to order by Chairperson, Donna Clark, Present Allen Hoffman, Gary Menin, David Favreau, (BOH Agent)
Attendance	Carl Strate, Terry Heinold, Michael Pineo, Charla Kroll, Mike McDermott, Michael Rivers, Russell Philpot, Maureen Robinson, Chris Knuth, James Simpson, James Zingarelli
Minutes	January 16, 2014, Allen Hoffman made a motion to accept minutes as amended, Gary Menin seconded, no discussion, all in favor March 13, 2014, Allen Hoffman made a motion to accept minutes as amended, Gary Menin seconded, no discussion, all in favor
6:45 p.m. Regionalization	Discuss Costs and options to Regionalization with Nashoba Associated Boards of Health. Chairperson Donna Clark opened the floor for questions. Discussion to the "Total Direct Cost of Sterling BOH" regarding the inaccuracies listed on the cost comparison sheet previously presented by Gary Menin during the March 13, 2014 BOH meeting have been distributed and attached. First response was from Mr. Philpot who stated that he contacted several towns concerning a cost savings. Mr. Philpot explained his researched data associated to the cost per hour per inspection. Allen Hoffman stated that the savings Mr. Philpot presented does not include a complete list all of other duties associated to the Board of Health Agent, re: food establishments, pools, subsurface disposal systems inspections, plan reviews/permitting, housing inspections and housing court matters, written correspondence's, Health Care and Communicable disease surveillance, Nuisance matters, called out for emergencies during nights and weekends, etc. Discussion continued between the attendees and Board of Health members concerning the existing service provided and response time shown by the Health Agent over the past years vs. a limited amount of time and the service provided in the form of regionalizing as discussed by Nashoba Associated Boards of Health. It was noted, that subsequent to the presentation held on March 13, 2014, there had been several questions directed to Nashoba Associated Boards of Health. To date, Nashoba Associated Boards of Health have not responded any of these questions.
Public Session	Mr. McDermott requested a refund to a permit that was not needed. The Agent indicated that he would research the related background and report to the Board at the next meeting. Ms. Robertson questioned how the Board of Health would be involved in the Septic situation at the Car Show property on Rt. 12 (The old Twin Oaks Property). Ms. Robertson stated that there were many cars involved and that they may be parking on the leach field. David Favreau stated that he has no reasonable method to determine if anyone is parking on the leaching field for this property. The responsibility would be for the owner of the property to inform car owners visiting the car show not to park on the leaching field area. David Favreau explained, just the same as any homeowner would do to protect their own leaching field area by informing other family members not to park on their respective leaching field.
Correspondence	David Favreau stated that the BOH had received two separate public records request, one on March 14, 2014 and one on March 20, 2014. David Favreau stated that he responded to each request within the allotted time frame required and provided a copy of each response to the Board members. Mike Rivers volunteered to recover the audio and provide a copy of it to the Board. Allen Hoffman read the findings of an Ethics Investigation Report against David Favreau. This official document had been presented from the Commonwealth of Massachusetts, State Ethics Commission, stating that there was no further action needed and that there were no ethical violations from their investigation. A copy of this document will be attached to April 10, 2014 minutes.
Agent Report	David Favreau presented a list of training to the Board Members David Favreau presented a list of towns that have Title 5 witnessing.

	<p>David Favreau's revised disclosure statement was read. Allen Hoffman made a motion to sign the disclosure statement and attach the findings of the document from the State Ethics Commission, Donna Clark seconded, Hoffman aye, Donna Clark aye, Menin, nay. Gary Menin stated that he himself did not file a complaint against David Favreau with the Ethics Commission; however Gary Menin stated that he disagreed with the findings from the State Ethics Commission and referenced his previous statement of opinion to the agent's disclosure statement as attached to the March minutes.</p> <p>Appletown Market recently had a flood in the basement due to the fact that the sump pump was accidently turned off. This happened when David Favreau was on vacation. Allen Hoffman notified Richard Gibbons, who did the inspection with Donna Clark being present.</p>
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8:00 172 Clinton Road	<p>LAA 310 CMR 15.287 - It was noted that no variance is needed for this system.</p> <p>The Alternative technology has DEP approval. David Favreau stated that a deed recording will be required for the system prior to the issuance of a construction permit. Gary Menin made a motion to approve system as presented; Allen Hoffman seconded; no discussion; all in favor</p>
Wickapicket Knoll / Apple Blossom Development	James Simpson presented the sewage disposal designs for the 42 multi-family units. After review of the plans and a site walk done by the BOH (Allen Hoffman, Donna Clark, David Favreau and Gary Menin) on April 9, 2014, Allen Hoffman made a motion to approve the plans as presented; seconded by Donna Clark; no discussion; all in favor.
Recording of Meetings	Allen Hoffman made a motion to reconsider the recording of meetings and not have the public body record the meetings. Donna Clark seconded; Allen Hoffman aye, Donna Clark aye, Gary Menin nay. Allen Hoffman stated he does not object to any member of the public recording meetings; however it is not a requirement for the public body to record meetings, only to make minutes of meetings and make available. As there has only been one meeting that had been recorded, that recording created additional public records request involving additional cost and time to the BOH staff.
Posting of Campaign Signs	Gary Menin made a motion to have Donna Clark charged with a Code of Ethics complaint concerning her re-election signs in Appletown Market and The Sterling Deli. Donna Clark stated that she was asked by the owners of the establishments to put them in their establishments. There was no second to the motion. Allen Hoffman indicated that he would separately investigate this issue and report back to the Board with his findings.
Items 4 & 5	<p>Gary Menin requested that Donna Clark file a disclosure statement relative to her business relationship with the Assistant Agent concerning the boarding of her horse. After short discussion, Donna Clark agreed to file a disclosure form.</p> <p>Moved to the next meeting...May 8, 2014</p>
Future Agenda Items	Health Agent Performance Review Appointments
9:00pm	Meeting adjourned.

Nashoba Collaborative Annual Membership	\$24,673.28
Maintain Current Admin & BOH Member Salary	\$20,491.00
TOTAL NASHOBA COST	\$45,164.28

1) How many hours per week would this cover?
2) What's covered with this expense

Sterling BOH Budget Request	\$84,804.00
Less Fees Collected	(\$30,025.00)
Agent Retirement	\$8,406.00
Agent Medicare	\$806.00
Agent Health & Dental & Life Insurance Premiums (Est)	\$20,000.00
Agent Cell Phone Adder @ \$35/Month	\$420.00
Administration Costs for F/T Employee Est @ 5% Salary plus computer/legal/Worker's Comp	\$3,549.35
Senior Assistance (Est)	\$1,000.00
Est. \$ of Vacations Not Presently Covered In Presented BOH Budget (?) - Estimated 15 days @ \$200/Day (@ MPH N Rate)	\$3,000
TOTAL DIRECT COST OF STERLING BOH	\$91,960.35 87,540.35

This is already included in the 84,804 BOH Budget why include it twice?

Consider a savings or not will be spent by other departments

This is already included in the 84,804 BOH Budget why misrepresent the facts?

ESTIMATE of SAVINGS TO TOWN (03-13-14)	\$46,796.07 42,376.07
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The carrying of current admin costs is optional. Nashoba has indicated that some of their member towns carry none - others carry some but I have not yet been able to ascertain the "apples vs apples" on their budgeted costs - such as some Boards take financial responsibility for our DPW expenses such as recycling, landfill maintenance, etc..

87540.35
- 45164.28
42376.07

Dec. 12, 2013 minutes: "NET Savings of 60K"

Hoffman, Allen H.

From: Matthew Marro <msmarro@msn.com>
Sent: Thursday, April 10, 2014 1:04 PM
To: Hoffman, Allen H.
Subject: Board of Health Agent

Dear Honorable Board of Health:

I am writing this to you not as the Sterling Conservation Agent, but as a concerned member of the general public. Therefore, I must make clear that the view I express is my own and in no way should be construed as to be representative of the Conservation Commission nor any of my colleagues who work for the Town of Sterling.

I am of the understanding that the board is examining the potential of having the Nashoba Boards of Health perform work for the town in place of the current agent. I am also of the understanding that a claim has been made that the town could save money in the process. I have many years experience working with that entity in the Town of Lunenburg and I can state that they do indeed have some excellent people working for them.

However I do not feel that the town of Sterling would benefit in any monetary savings from this move. The Board of Health in Sterling needs to retain the current agent in his capacity and hours instead of reducing it to a part time contracted entity that would put in very few hours physically in town. Monetary savings on the surface would never be realized as I see from my experience, that in order to continue service that would be timely and available to residents at its current levels, you would have to do what is done in Lunenburg which is to hire a full time 40 hour per week educated staff to handle the phone calls and administrative tasks and scheduling and other duties the current agent performs. Not only would you not realize a savings, you may actually increase expenses in the long run making this move. I also strongly feel that having the current agent around is an asset to the community as over the years in my work for the town of Sterling, I have come to rely on your agent as a partner and a valuable resource in the area of protection of Sterling's environmental integrity. He is always responsive and helps me to save time to resolve issues. I also stress that MassDEP is making many changes to the procedural implementations of the regulations that will give the towns more responsibilities than it has ever had! These changes in my opinion make it even more essential that you have the availability of the current agent on the level you do now. You would not have the available quick responses with Nashoba not because they are neglectful, but because they are busy in other communities as well.

Sterling residents have become accustomed (deservedly so) to having readily available and high quality services. Making this move would be counter productive to that continued goal. In my professional work, I also work as the Conservation Director for the Town of Tyngsborough. At one point during my tenure, the Health Agent retired and the town considered going with the Nashoba Boards of Health and for many of the reasons I cited above, decided to stay with a local health agent on staff full time and in my opinion, it works well for them.

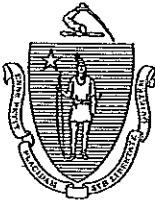
I thank you for considering my opinion on this matter as someone who is both involved and informed on the issues in my own way.

Respectfully Submitted

Matthew S. Marro ,

978-314-7858

888-435-5999 (fax)



Commonwealth of Massachusetts
STATE ETHICS COMMISSION

John W. McCormack Office Building - One Ashburton Place - Room 619
Boston, Massachusetts 02108-1501

CONFIDENTIAL

April 4, 2014

David Favreau
111 Chase Hill Road
Sterling, MA 01564

Dear Mr. Favreau:

As you know, we discussed with you concerns that you, as well as some of your family members, have private septic installation businesses; that you may be inspecting the work of your competitors; and that you may have used public resources, specifically your time and cell phone, for your private business. Relying on what you told us and on any necessary follow-up investigation, we are satisfied that this matter does not require any further action on our part.

Thank you for your cooperation.

Very truly yours,

Katelyn Farago
Special Investigator

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