

December 10, 2015  
Sterling Board of Health Meeting  
Butterick Municipal Building, Room 205  
1 Park Street, Sterling, MA 01564

Meeting Minutes

6:50pm Chairman, Allen Hoffman called the meeting to order.  
Gary Menin noted that he was recording the proceedings as an individual and that the recording would be available on the cloud for those who are interested.

Roll Call: Allen Hoffman (Chair)  
Gary Menin (BOH Member)  
Donna Clark (BOH Member)  
David Favreau (BOH Agent)  
Kathleen Nickerson (Admin Assist)

Other Attendees:  
David & Cathy Hansen, David Propeiti, Bob Nickerson, Diane Donovan, Michael Cove, Luis Santiago.

Approval of Minutes:  
October 8, 2015...Discussion, Gary Menin questioned the wording. October 8, 2015 Minutes will be reviewed at the January 2016 meeting.

November 12, 2015...motion to approve with noted changes by Donna Clark; second Allen Hoffman.  
Discussion...none; All in favor.

Health Agent Report:

2 Main Street Sewage Breakout: BOH has formally directed the owner to assure that pumping will be kept up to prevent further breakout. Homeowner has contracted with Ross Associates to work on a design. Motion made by Gary Menin that the owner should continue pumping to maintain the septic level below outlet inverts; within 45 days the homeowner to present to the Board a replacement system design; within 90 days...pending design approval...the BOH expects that a new system will be completed; Allen Hoffman seconded; discussion...none; all in favor.

Office Coverage: Throughout the past year, the BOH office has tracked an increase in permitting, revenue, and in office inquires. The BOH office is currently staffed 3 days, or 18 hrs per week. As per judgement of the Agent and the Chair, an additional day per week could be justified and also provide more customer service hours.

Inclusion of direct quotes within the meeting minutes....Allen Hoffman feels that the person who is being quoted should have prior knowledge before it is put into the official minutes.

Rock Breakers Chocksett Road dust complaint due to blasting....David Favreau has met on site with the manager. They have recently added watering to the construction process.

7:00pm Status of 14 Quail Roost and Housing Court Status  
Agent Site Visits 11/13/2015; 11/25/2015; 12/10/2015

Status update: To date animals remaining on site, four pigs. All turkeys and chickens are gone. Turkey pens are taken down and have been cleaned up. About one cord (approximately 5 cubic yards) of manure is stockpiled on site from cleanup activities; cleanup activities of manure within chicken structures are ongoing at this time. There have been no new animals added. There is no plan for manure management. All actions requested in the Order dated November 12, 2015 have not been completed. Abutters in the audience spoke to the unresolved issues and continued objectionable odor.

The Board will send a letter giving a 10-day notice to Dawn Hartnett to remove all manure and pen cleanings from the property as originally stated in the November 12, 2015 order. A draft letter will be reviewed during a subsequent BOH meeting and then delivered via a Constable.

11 Glendale Avenue Questionable Title 5: MPHNI Inspector, Rita McConville, noted that the septic tank was not full during the inspection and sent a second report for clarification indicating the same. The Title 5 inspection report indicates that the tank is at normal levels. David Favreau will contact her for an explanation. If it isn't satisfactory, the BOH will pursue further.

Budgets are due 12/28/15 and will be presented at the January meeting.

Appointments: Motion made by Donna Clark to accept the re-appointments of BOH Agent, Associate Agent, Animal Inspector, Burial Agent and Plumbing Inspector, (retroactive to July 1, 2015); second Gary Menin; discussion...none; all in favor.

8 Maple Street - follow up from 10/8/2015 hearing: To date no replacement or repair work has been performed. A letter will be sent requiring a remedy to the leaking septic tank within 30 days of receipt of the letter.

Title 5 Reports: Gary Menin would like the Title 5 inspection reports to be signed by the Agent after the Agent has reviewed them to certify his witnessing of results.

Gary Menin provided Allen Hoffman with material that he would like attached to these minutes showing his concerns about letters that are sent from the BOH under the Chair's name and the lack of review of these letters by the entire Board prior to sending.

Allen Hoffman called for a break before the Board went to Executive Session. Gary Menin turned off his recorder.

8:00 pm Gary Menin made a motion to go to Executive Session regarding matters of a licensed installer, Michael Cove.

Roll Call: Gary Menin, Donna Clark, Allen Hoffman, David Favreau, Kathleen Nickerson.

Luis Santiago, an employee to Michael Cove, who was also in the room, was asked to leave per executive session rules. Mike Cove wanted him to stay and requested this meeting be performed during a public session meeting. The BOH agreed to his request and the meeting was continued as an open meeting.

Michael Cove would like Donna Clark to recuse herself as she was paid by Mr. Cove for work done within the month. No proof was presented; however, Mrs. Clark recused herself to avoid further confrontation and Mr. Hoffman noted that in 2013 Gary Menin had publicly recused himself during licensing suspension issues and other installation matters involving Michael Cove. Gary Menin felt that sufficient time had elapsed since he had dealings with Mr. Cove and that he need not recuse himself at this time.

Regarding 14 Glendale Ave., this COC was received by the BOH from a third party. Michael Cove admitted signing the Certificate of Compliance as the licensed installer on August 18, 2015. Separately, Michael Cove was asked if he signed the Certificate of Compliance with the Agent's name as Approving Authority on August 18, 2015. Michael Cove stated he did not. The signature on this document contains David Favreau's name as Approving Authority and has been forged. Michael Cove was asked why he signed the Certificate of Compliance on August 18, 2015 as the licensed installer when the system had not been completely constructed. Inspections, with accompanying photos, conducted by the Health Agent and Mr. Hoffman on September 23, 2015 and by the Health Agent on September 24, 2015 revealed that the system had not been completed as certified by the installer and the engineer on the Certificate of Compliance dated August 18, 2015. Photos presented show septic tank and system components were not covered over with soil and that break out material had not been put in place. Subsequently on October 21,

2015 the homeowner hired an independent engineering firm to verify these facts. Survey data and an inspection by the independent Engineering Company Ducharme & Dillis (letter attached) confirmed that this system had not been completed and is not in compliance with the approved septic design. Mike Cove stated that all inspections were done and that the job was completed. David Favreau said that no final inspection had been requested or performed by the BOH. Luis Santiago said that the system was finished in October but wasn't sure of the date. After considerable discussion, Mike Cove and Luis Santiago left the meeting. Mr. Menin and Mr. Hoffman felt that it was up to the police to handle any criminal charges surrounding the forged COC document. They felt that there was enough information to decide the issue.

Donna Clark returned to the meeting room and the Board discussed Mr. Morin's penalty. Allen Hoffman made a motion to suspend Mr. Morin for three months from doing work in Sterling due to Mr. Morin's oversight in the completion of 14 Glendale; second by Gary Menin; there was no discussion; all three members voted in favor.

Mr. Menin and Mr. Hoffman discussed Mr. Cove's penalty. Allen Hoffman noted the considerable hardship caused to the homeowner and moved to suspend Mr. Cove's Installers License in Sterling until 7/1/2016; second by Gary Menin; discussion followed. Gary Menin reserved the right to revisit the penalty if Mr. Cove is found guilty of criminal charges. Mr. Menin and Mr. Hoffman agreed and both voted in favor. Mrs. Clark abstained from the discussion and the vote.

9:00pm Allen Hoffman made a motion to adjourn; second Gary Menin; discussion...none; all three members voted in favor.