

March 26, 2019  
Sterling Board of Health Meeting  
Butterick Building, Lower Level Conference Room  
1 Park Street, Sterling, MA 01564

Meeting Minutes

5:35 PM                      The meeting was called to order by Chairman Donna Clark.

**Roll Call:**                      Donna Clark, Chair – present  
Gary Menin, Vice-Chair – absent  
Allen Hoffman, Member – present  
David Favreau, Health Agent – present  
Elaine Heller, Admin. Asst. – present

**Attendees:**                      Matt Scannell, Charles Goldman, Everett Heller, Patrick Burke,  
M. Babbitt, Laurie Filiere, and Brian Marchetti

The meeting was recorded by Sterling-Lancaster Cable Television.

**General Business Updates:**

**Approve Any Available Minutes:**

Approval of the March 14, 2019 meeting minutes was tabled until the next meeting, April 11, 2019.

**Correspondence:** None

**Health Agent Report:**

Mr. Favreau commented on the recently-finished emergency supplies closet. Some of the equipment is still in the Boiler room storage area, which necessitates the need for shelves to be built in the new supplies closet. As there is no money left in this year's budget, it may be necessary to request a reserve fund transfer to cover the cost. Allen Hoffman suggested the Health Agent obtain an estimate on the cost of shelves from the Facilities Manager so the project can proceed.

Health Agent Favreau noted the Constable delivered a letter, on March 20, 2019, to the owner of 209 Worcester Road regarding a violation of an overdue Title 5 Inspection Report. No response to the violation letter has been received as of the date of this meeting. Mr. Hoffman would like this topic added to the agenda for the April meeting.

Mr. Favreau also commented that Barry Lein, the emergency preparedness coordinator, spoke with the Sterling Fire Chief, who would like a key to the emergency supplies closet.

Sterling resident Laura Ricci, who submitted the citizen's petition regarding storage bins, wants to attend the April meeting for feedback from BOH members on the article.

**Signatures Required:** None

Other Items:

The Health Agent remarked that the Board of Health received a complaint today, March 26, regarding marijuana odors emanating from the medical marijuana growing facility on Chocksett Road. The odor complaint derived from the Sterling Gymnastics on Pratts Junction Road. Both the Building Inspector and Alternate Health Agent checked out the facilities and did detect an odor. The BOH and Building Department are looking for the cause of the odor complaint.

Public Session:

None

Appointments and Agenda Items:

18 Lake Shore Drive Variance Request:

Section IV.a. A variance to allow a leach bed to be 234 square feet without stone where 1,000 square feet is required using 12" of stone below the pipe required. 310 MR 15.405 (1)(g) reduction of system location setbacks to a private well @ 18 Lake Shore Drive, to allow a sixty-five (69) foot setback to the soil absorption field where 100 feet is required per 15.211. 310 CMR 15.405 (1)(g) reduction of system location setbacks to a private well @ 16 Lake Shore Drive, to allow a sixty-five (60) foot setback to the soil absorption field where 100 feet is required per 15.211. 310 CMR 15.405 (1)(a) Reduction of system location setbacks to system location setbacks to property lines to allow a five (5) foot setback to the soil absorption field where 10 feet is required per 15.211.

As requested at the previous BOH meeting on March 14, 2019, abutters were notified of a well still in use on the property. Patrick Burke noted that the design was changed in that the Presby system was moved to have a greater distance from the well. Mr. Favreau indicated the plans meet BOH compliance. Allen Hoffman made a motion to accept the variance request and Donna Clark seconded the motion. All in favor, motion carried.

Discuss Concerns of Open Meeting Law:

Mr. Hoffman commented that the pollinator article on the warrant for the town meeting was discussed during the last BOH meeting on March 14, 2019; he received an email from Gary Menin later that evening, at 10:07 PM, regarding the article, asking him to reconsider his stance on the article. He feels this is a violation of the Open Meeting Law.

Ms. Clark also received an email from Mr. Menin on Friday March 15, 2019 regarding the pollinator article and the use of herbicides and how that use relates to her disease.

Mr. Favreau commented that these emails from Mr. Menin appear to provide a form of deliberation; Mr. Menin should be well aware of Open Meeting Law requirements, as he himself has filed Open Meeting Law complaints during August 2017 against Board members as discussed publicly by the Board on July 12, 2018.

Mr. Hoffman wants this discussion to be held in Mr. Menin's presence; it will be on the April agenda.

Adjourn:

Allen Hoffman made a motion to adjourn the meeting and the motion was seconded by Donna Clark. The meeting adjourned at 6:06 PM.