

February 13, 2020
Sterling Board of Health Meeting
Butterick Building, Lower Level Conference Room
1 Park Street, Sterling, MA 01564

Meeting Minutes

6:33 PM The meeting was called to order by Vice-Chairman Gary Menin.

Roll Call: Gary Menin, Vice-Chairman - present
Allen Hoffman, Member – present
Catherine Martin, Member - present
David Favreau, Health Agent – present
Elaine Heller, Admin. Asst. – present

Attendees: Daniel McAuliffe, Laura Ricci, Arden Sonnenberg, Maureen Cranson,
Jack Maloney, Pete Monchamp, Cathie Ryan, Val Handy, George Handy,
Stephen Sears

General Business Updates:

Approve Any Available Minutes:

Allen Hoffman made a motion to approve revised minutes of the December 12, 2019 meeting and the motion was seconded by Gary Menin. Unanimous vote.

Donna Clark, the Board of Health Chairman who recently resigned, reviewed the following minutes and gave her approval (remotely and previous to the meeting):

January 28, 2020 - A motion to approve these minutes was made by Allen Hoffman and seconded by Gary Menin. Unanimous vote.

February 5, 2020 - Allen Hoffman made a motion to approve the minutes and Gary Menin seconded the motion. Unanimous vote.

February 7, 2020 - Allen Hoffman made a motion to approve the minutes and Gary Menin seconded the motion. Unanimous vote.

Correspondence: None

Health Agent Report:

Update on 209 Worcester Road Title 5 Inspection:

A Title 5 inspection was due approximately one year ago due to a real estate transfer. The property owner did have someone look at the site, but once it was determined the cesspool is beneath a recently-poured concrete slab and cannot be accessed, nothing was done. Mr. Menin commented there needs to be a fully compliant inspection, and Health Agent Favreau noted he has explained this to the owner.

Mr. Hoffman made a motion that a registered letter be sent indicating a Title 5 inspection must be done by the next BOH meeting, which is scheduled for March 12, 2020. The letter is to reference a letter sent to the property owner in March 2019, which noted the need for a T5 inspection. If the T5 inspection has not been provided by March 12, 2020, the Board of Health will initiate a hearing in housing court. Gary Menin seconded the motion. All in favor, motion carried.

FY21 Budgets - FinCom Meeting 2/29/2020:

All Board members are welcome to attend the Finance Committee Budget Review Meeting on February 29, 2020. The appointment time for the BOH is 10:10 AM.

EDS Drill 3/09/2020:

The EDS Drill scheduled for March 9th will be held at the dispensing site, Chocksett School, at 3:30 PM.

There have been 12 reported seasonal flu cases in Sterling since January 10, 2020.

January 27 & 29, 2020 AG Response to "Open Meeting Law Complaint" dated November 14, 2019:

According to the letters received from the Attorney General, this matter is closed. No violations occurred.

Signatures Required: Completed

6:45 PM Public Session:

George Handy appeared before the Board in regard to his request for a temporary occupancy permit from the Building Inspector for the newly-constructed house for his wife and himself at 8 Swett Hill Road. A permanent occupancy permit could not be obtained as the septic installer has not provided the BOH with an as-built drawing, nor a signed Certificate of Compliance for the new construction of a septic system.

The BOH Health Agent has witnessed the construction of the septic system, and the Building Inspector has stated she will grant a temporary occupancy permit if she receives a letter from the Board of Health allowing the occupancy permit.

The Health Agent explained that sanitary codes and local regulations require the Certificate of Compliance must be provided to the BOH within 30 days of completion, and the deadline for the Certificate is this date, February 13, 2020. Mr. Favreau believes the Board has an obligation to adhere to the state and local regulations after this date has lapsed.

Mr. Menin suggested providing a temporary permit. Mr. Favreau commented that this topic is being held in Public Session and no deliberation or vote should occur, as it would be a possible violation of the Open Meeting Law.

Mr. Hoffman noted the Board has the legal authority to go after the Installer and rescind his license. Mr. Menin believes the Board should submit a detailed history to the Building Department and recommend a temporary occupancy permit be provided on an emergency basis. Selectwoman Arden Sonnenberg questioned what would happen if the installer still does not respond after a temporary permit is issued.

Cathie Martin suggested a compromise: to provide a temporary allowance as of March 1, 2020, in order to resolve the issue and obtain the necessary paperwork.

Mr. Hoffman suggested the Board send a letter, via constable, to the installer, requesting the Certificate of Compliance, and schedule a Board meeting in case the installer refuses the request or does not comply.

Cathie Martin proposed scheduling a BOH meeting to occur 2 days after receipt of the letter, then possibly revoke his license if the required paperwork has not been provided.

Ms. Martin then made a motion that a special Board meeting be scheduled for Thursday, February 20, 2020, at 8:00 AM, which would be the maximum of 2 days after receipt of a letter sent to the installer. Mr. Hoffman seconded the motion. All members were in favor and the motion carried.

Mr. Menin remarked that he would call DEP for their input on this situation. Mr. Hoffman asked Agent Favreau to contact Dave Boyer (DEP) to understand if the DEP has experienced similar issues in recent history.

Appointments and Agenda Items:

Vice-Chairman Menin welcomed new member Cathie Martin. Ms. Martin will fill this position until the town election in May 2020.

Variance Request: 5 Hilltop Drive:

Sterling Subsurface Sewage Disposal Regulations. Reg. IV.a., Leach beds to be 1000 square feet minimum, with 12" of stone beneath the pipes (660 sq. ft. Leaching Bed provided due to limited area available). Steve Sears of David Ross Associated appeared before the Board on this variance request. This is a 3-bedroom home with an existing cesspool. After review of the request, Cathie Martin made a motion to approve the variance and Allen Hoffman seconded the motion. All in favor; motion carried.

Variance Request: 123 Chace Hill Road:

Sterling Subsurface Sewage Disposal Regulations. Reg. IV.K.2. Proposed replacement sewage system not allowed in driveway/parking lot that is subject to vehicular traffic.

Steve Sears represented the owner of Rota Spring Farm Ice Cream Stand on this variance request. There are no public restrooms at this facility. A White Knight treatment system was installed in 2011. After review and discussion of the plans, Allen Hoffman made a motion to approve the request and Gary Menin seconded the motion. Unanimous vote.

Variance Request: 4 Glendale Avenue:

Sterling Subsurface Sewage Disposal Regulations. Reg. IV.a., Leach beds to be 1000 square feet minimum, with 12" of stone beneath the pipes (756 sq. ft. sand bed provided using a Presby System, no stone beneath pipes). IV.e. A DEP approved tee filter is required in the outlet tee of all septic tanks (None provided based on DEP approved design manual guidelines for Presby System).

Local Upgrade Request: 310 CMR 15.405(1)(h): Reduction of the required 4-foot separation between the bottom of the leach area and the estimated seasonal high ground water table (3-foot separation provided between the bottom of the leach area and the estimated seasonal high ground water table).,

15.405(1)(i): A sieve analysis may be performed if a percolation test cannot be performed. (Soil sample taken for sieve analysis due to extremely moist soils at percolation test depth).

Jack Maloney of Ducharme and Dillis presented this variance request. During a discussion of this request, Mr. Menin noted he does not normally approve of these two specific variances in one request, specifically a sieve analysis and separation from groundwater except in cases where the redoxymorphic determination of groundwater is well above the saturated soil. Mr. Hoffman made a motion to approve the variance and Mr. Menin seconded the motion. With all members in favor, the motion carried.

Discuss Mosquito Control Program:

Allen Hoffman suggested a proposal for Sterling to join the Mosquito Control District. He would like a placeholder be put on the town meeting warrant and the Board of Health vote on support of the program at their next meeting. Mr. Hoffman explained that his motivation for bringing this to the Board is because the Mosquito Control District provides data as to the threat of mosquitos in the area, which would be especially important with the Sterling Fair that occurs each September. The annual cost to join the district during 2013 was @ \$60,000.

Mr. Hoffman made a motion to inform residents a placeholder will be put in place for the town meeting warrant. In further discussion, Mr. Menin remarked that he approves of an article, so residents can make the membership decision, but does not approve of the BOH supporting it as there are no guarantees the town would be safe and there are other likely unfavorable environmental consequences that should be considered.

Mr. Hoffman observed that a presentation by a representative of the Central MA Mosquito Control District would be appropriate, and he will contact the district and ask them to attend a Board meeting. Gary Menin seconded the motion for a placeholder on the warrant. All in favor; motion carried.

Discuss Proposed Clothing Bin Regulations

Members reviewed the final draft of the regulations. Gary Menin made a motion to hold a public hearing on the clothing bin regulations at the next Board meeting on March 12, 2020. Allen Hoffman seconded the motion. Unanimous vote.

Gary: Grant Opportunity Information:

Town Administrator Perry asked Sterling resident Cathie Ryan to check to see if there are any grants being awarded/pursued by the Board of Health. Mr. Hoffman commented on a \$100,000 septic grant that had been awarded several years ago. There were monies remaining, untouched for several years, and TA Perry transferred the balance of the monies to the general fund 1 year ago. Ms. Ryan and Pete Monchamp, both present at the meeting, advised they are willing to write grants. A MA Association of Health Boards grant for sharing of resources across towns for planning purposes is available, but the upcoming deadline makes it impossible to pursue this year.

Gary: BOH Consider Associate BOH Members:

Mr. Menin suggested the Board consider accepting 2 associate BOH members, similar to that of the Conservation Commission. He suggested the Associate Members could focus on septic system issues. Mr. Favreau observed that the Board of Health is an elected Board, unlike the Conservation Commission. Mr. Hoffman noted this practice would be creating a board in advance of an election and is not a good idea. The Board of Health is an elected Board, elected by the residents of Sterling, while the Conservation Commission is an appointed Board, appointed through the Board of Selectman. He suggested that having a subcommittee chaired by a BOH member on focused issues such as vaping and teenage drug use might be a more appropriate use of volunteers.

Review of Future Agenda Items and Meeting Date:

A discussion was held on moving future Board meetings to Room 205, if available, as it has a permanent setup for video recordings of meetings.

Mr. Favreau feels the current location is conducive for BOH meetings. This allows the opportunity to obtain necessary BOH paperwork, and is consistent with engineers / abutters notification process to scheduling meeting rooms. It was also noted, many times in history the BOH had scheduled Room 205 in advance for a meeting and had been notified the day of a meeting that the room is occupied by others and the BOH must find another meeting room. This action might create confusion to representatives and applicants looking for the scheduled meeting location.

The next meeting is scheduled for March 12, 2020. At 6:30 PM.

Adjourn:

A motion to adjourn the meeting was made by Allen Hoffman and seconded by Cathie Martin. All in favor and the meeting adjourned at 9:00 PM.