

December 14, 2023
Sterling Board of Health Meeting
Butterick Building, Room 205
1 Park Street, Sterling, MA 01564

Meeting Minutes

6:00 PM Chairman Allen Hoffman called the meeting to order.

Roll Call: Allen Hoffman, Chairman – present
Anne Marie Catalano, Member – present
Richard Lane, Member - present
David Favreau, Health Agent – present
Elaine Heller, Administrative Assistant – present

Attendees: Don Brown, Janis Brown, Laura Ricci, Joseph King, Jack Maloney,
Terry Heinold, Jay Westbrook, Dan Donovan, Tim Hardy, Rosanne Mapp,
and Ben Cheslawski

General Business Updates:

Approve Any Available Minutes: November 9, 2023 and December 6, 2023:

After discussion, Catalano made a motion to approve revised minutes of the November 9, 2023 meeting. Hoffman seconded the motion. Roll call vote: Catalano - aye; Hoffman - aye. Mr. Lane abstained as he was not on the Board at that time.

A motion to approve minutes, as written, of the December 6, 2023 meeting was made by Catalano and seconded by Hoffman. Roll call vote: Catalano - aye; Hoffman - aye. Lane abstained.

Health Agent Report:

Tax Credit Reminder for the design and install of a septic system to replace or repair a failed system:

Mr. Favreau noted there is a tax credit program available and suggested interested residents should check the state website for information - Mass.gov. - septic system tax credit program.

Correspondence:

Response to Public Records Request re: 2 Hazelhurst Way:

According to the Health Agent, the request was fulfilled in a timely fashion.

Odor Complaint Marijuana Facility:

Favreau visited the facility and spoke with the Compliance Manager. There is an issue with the HVAC scrubber and work will be done to resolve the problem.

Other:

National Grid has submitted their yearly operating plan regarding curbside management.

The yearly budget is due on January 5, 2024. Mr. Favreau suggested holding a Board meeting on

January 4, 2024, which is the first Thursday of the month. Meetings are usually held on the second Thursday. Ms. Catalano indicated she will not be available on that date. A second meeting during the month will be held, if necessary.

Signatures Required: None

DPH - Interagency Updates:

According to Ms. Catalano, respiratory illnesses are on the rise, including a Covid variant, the seasonal flu, and RSV.

DPH is looking at the possibility of opening overdose prevention centers where personnel can assist drug users.

Appointments and Agenda Items:

Variance Request: 20 Meetinghouse Hill Road:

Sterling Subsurface Sewage Disposal Regulations: Section IV.a., Leach bed facilities shall have at least 1,000 square feet of effective area. (440 square foot Presby sand bed sized 100% greater than the Presby design manual requires).

Reg. IV.g., Leaching facilities 0-1,499 GPD shall be constructed with the following minimum 4-foot separation distance to estimated seasonal high groundwater (3-foot separation is proposed). Reg. IV.a., Leach beds to be 1000 square feet minimum, no stone beneath the pipes as outlined in DEP manual (440 sq. ft. provided).

Local Upgrade Request: 310 CMR 15.405(1)(h): Reduction of the required 4-foot separation between the estimated seasonal high groundwater table and the bottom of the leach area is proposed.

310 CMR 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 wet conditions at time of testing is proposed).

Jack Maloney, Engineer with Dillis and Roy, spoke on the variance request. This is a 3-bedroom home with a failed septic system. A 2,000-gallon, 2-compartment tank is to be installed. After review by Board members, Catalano made a motion to accept the variance as proposed. Lane seconded the motion. Roll call vote: Lane - aye; Catalano - aye; Hoffman - aye. Motion carried.

Continued Public Hearing: Discussion of Local Subsurface Disposal Regulations:

Mr. Lane made a motion to open the Public Hearing and Ms. Catalano seconded the motion. Roll call vote: Lane - aye; Catalano - aye; Hoffman - aye. Unanimous vote.

Mr. Lane commented that voters made a statement and what is proposed in the observation hole regulation does not meet that statement. He will not vote for anything that doesn't meet what the voters want.

After discussion regarding CMR 310 15.302(4) – Determination of High Groundwater Elevation, and 15.303– Systems Failing to Protect Public Health and Safety and the Environment, Mr. Hoffman called for a 5-minute recess at 6:48 PM in order to print out a copy of regulation 15.303 (1)(a)-7, which states, “ any portion of the soil absorption system extends below the high groundwater elevation”. He returned at 6:53 pm and asked to extend the recess for 5-10 minutes. Roll call vote: Catalano – aye; Hoffman – aye; Lane – nay. The recess began at 6:54 PM and was back in session at 6:56 PM.

Mr. Lane noted the Board must state the reason for exceeding state regulations. He will ask the Select Board to contact Town Counsel as to the legality of this question and others.

Ms. Catalano made a motion that Town Counsel review the regulation process and Mr. Lane seconded the motion. Roll call vote: Catalano – aye; Lane – aye; Hoffman – aye. Motion carried.

After further discussion, a motion to close the Public Hearing was made by Ms. Catalano and seconded by Mr. Lane. Roll call vote – Catalano – aye; Lane – aye; Hoffman – aye. Unanimous vote.

Review Septic System History of 1835 Building:

Mr. Hoffman researched water usage history of the building for the previous 3 years:

2021 water flow – 3.0 GPD

2022 water flow – 3.0 GPD

2023 water flow – 4.66 GPD

In 2002 the fire station septic system was built and the leach field has a capacity for 760 GPD, allowing a hookup to the 1835 building in the future. The septic system is not an issue at this time.

Review Mr. Lane Comments of August 31, 2023 Letter to Secretary of Commonwealth Records Access Office:

Mr. Lane stated he is not sure why this topic is on the agenda as the letter is no longer an issue. There was no further discussion.

Discuss Ongoing Attorney General Open Meeting Law Violation:

According to Mr. Lane, the Attorney General's office has stated this is the second violation for the Board. Deliberation through email occurred in 2021, but with different Board members. The second offense was also through emails. He suggested the Board should rectify this issue by making the emails public in minutes of the August 15, 2023 meeting.

Health Agent Favreau noted, following the open meeting law complaint, a response letter had been provided to the complainant and Attorney General's Office recognizing the violation and remedial actions taken.

Mr. Hoffman made a motion to add the emails to the minutes of the August 15, 2023 meeting as public records. Ms. Catalano seconded the motion. Roll call vote: Catalano – aye; Hoffman – aye. Mr. Lane abstained as he was not a member of the Board at that time. Motion carried.

Public Session:

Resident Rosanne Mapp questioned why a letter she had read into the record at a recent meeting was not online with the minutes. The Administrative Assistant explained that all documents, and other exhibits presented during a meeting, have always been listed at the end of the minutes as a footer format. All documents provided are kept in hard copy and attached with the official meeting minute record.

Adjourn:

A motion to adjourn was made by Lane and seconded by Catalano. With no further discussion, and all in favor, the meeting adjourned at 8:03 PM.