

November 12, 2015
Sterling Board of Health Meeting
Butterick Municipal Building, Room 205
1 Park Street, Sterling, MA 01564

Meeting Minutes

6:30pm Allen Hoffman, Chairman, called the meeting to order.

Gary Menin noted that he was recording the proceedings as an individual and that the notes would be available on the cloud for those who are interested.

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

Other Attendees:

Dawn Hartnett, David Fisher, Robert Nickerson, Daniel Sweet, Christine Sweet, Cheryl Steele, Brooke Chandler, David Steele, Mary Morse, Laura Proietti, William Morse, David Proietti, Brian Marchetti, Diane Donovan, Ali Fayyad, David Chandler, Gary Vanasse, Michael Pineo, Mike Cove, Susan Ustatos, Luis Sontag, M. Lapomardo, John Kilcoyne, Jim Morin, Clara Gorczyinski, Mike Szlosek, Town Administrator.

Approval of Minutes:

10/8/2015...Many revisions have been made to the minutes, revisions to be presented at the 12/10/2015 meeting for approval.

10/22/2015... Motion made by Gary Menin to accept the minutes as amended; Donna Clark second; discussion; all in favor.

Public Session...None attended.

Health Agent Report:

Title 5 inspection report 24 Clinton Road failed due to ground water.

Discussion of BOH expectations for septic system submittals and designs to include in the written agenda request as required in Local BOH regulations, plot all streams and drains including DCR resources on the plan of the design. Letter will be sent to the Engineers reminding them of this.

All email correspondence should be sent through the BOH Office to insure compliance with official public record keeping.

Executive session discussion outside the session is not acceptable. Motion to executive session is made; the Board votes on it and then we move into executive session. Prior to moving to executive session, any folks recording the session will be asked to turn their equipment off.

Additional items...signatures required and appointments will be re-visited.

7:00pm Appointments:

153 Princeton Road Variance...Brian Marchetti, McCarty engineering, represented the Livingstons. Variance 310 CMR 15.212(1)(b)...minimum vertical separation distance of the bottom of the stone underlying the soil absorption system above the high groundwater elevation shall be 5' in soils with a recorded percolation rate of two minutes or less per inch. The application requests a 3' separation. The second variance is in relation to Sterling BOH Disposal System Regulations Section IV (k)...proximity to water bodies, except where Title 5 requires a greater distance; leaching facilities shall not be located closer than 100' to a water body. Conservation Commission gave the variance the okay. Vinny Vignaly (note attached) from DCR had no problem with it.

Motion made by Gary Menin to accept the variances; second Allen Hoffman; Discussion; All in Favor.

14 Quail Roost Drive Complaint/Public Nuisance....letter, written by the Chair, Allen Hoffman, outlining what the property owner, Dawn Hartnett needs to do was read to the public. Motion by Gary Menin to send the letter to Dawn Hartnett; second Donna Clark; Discussion was very active in the room....discussion covered EPA regulations, water shed regulations; the lack of manure management; animal loading of the property...confirmed by Ag Com (Mike Pineo) that there are no rules and regulations on animal loading per acre. The discussion among the public turned more personal than factual, after much discussion and time, the agenda item was closed and the formal order was handed in person to Dawn Hartnett. The letter to Mrs. Hartnett is appended to these minutes.

Motion was voted on.... all in favor of the motion.

Authority to enter property was discussed...Mr. Hoffman presented a summary outlining the Fourth Amendment rulings on rights of entry onto private property under the plain view and open fields doctrines. The three conditions that need to be met for such entry were presented. Mr. Menin disagreed. Town Administrator Szlozek confirmed that this was a correct interpretation.

8:00 pm 5 Minute Recess before going into Executive Session

8:05pm Motion made by Donna Clark to move to Executive Session; second Gary Menin; Discussion...Gary Menin didn't feel that the 10/8/15 Executive Session was official as it wasn't called per Open Meeting Law; Mr. Hoffman acknowledged that a minor error did occur in that the unanimous vote to enter executive session was by acclamation rather than by roll call. Donna Clark and Allen Hoffman were aye with Gary Menin nay. Board, with the majority vote, moved to Executive Session.

9:00 Return to General Session

9:01 Motion to Adjourn by Allen Hoffman, Second Donna Clark; discussion; all in favor