

January 7, 2016

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

Meeting Minutes

6:30pm Chairman, Allen Hoffman called the meeting to order
Gary Menin noted that he was recording the proceedings as an individual and if requested 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: None at the present time.

Approval of Minutes:

December 21, 2015 Minutes

Gary Menin made a motion to accept as amended; Donna Clark Second; no discussion;
All in favor.

October 8, 2015 Minutes

After further discussion all were in agreement on the wording to the Executive Session piece of the minutes. The minutes will be revisited at the Board's next meeting.

December 10, 2015 Minutes

There will be further discussion on these minutes at the next meeting. Kathleen Nickerson to compile notes from Allen Hoffman and Gary Menin for presentation at that meeting.

Public Session: none

Other Attendees: Summer Day and Brendan Mostecky (owners) arrived for 14 Glendale Avenue discussion.

7:00pm 14 Glendale Avenue

Donna Clark recused herself from these discussions.

Letter for consideration regarding BOH actions to the Installer, Michael Cove, associated to 14 Glendale Avenue was shown to Summer Day and Brendan Mostecky current owners of property.

Summer Day and Brendan Mostecky presented a chronological happening which led to the hiring of an independent engineering company, Ducharme and Dillis, plus an installer to complete the system at the homeowner's expense additional to the contracted agreement ... 142 yards of soil, independent engineering, and independent contractor to complete this work that had not been completed by Mike Cove exceeded \$10,000.

Given what the owners went through, they are not happy with Mike Cove's penalty of a 6-month license suspension. The Agent, David Favreau, is also not happy with the 6-month license suspension. He feels the license suspension should be indefinite due to documented historic facts that Mike Cove has had with the Board of Health, i.e. this is a subsequent license suspension for Mike Cove. Mike Cove's Insurance coverage was brought up by Brendan Mostecky. Brendan learned that Mike Cove did not have Liability insurance or workman's compensation insurance while Mr. Cove was working at 14 Glendale Ave.

Brendan Mostecky was very upset with the fact that Gary Menin had called his home, at 14 Glendale introducing himself as a representative of the Board of Health. Specifically, Gary Menin asked for Mr. Mostecky's perspective on Cove Construction's performance and as a follow-up, whether or not he was seeking any redress from Cove Construction. Mr. Mostecky felt that it was none of Gary Menin's business. Gary Menin replied that he simply wanted to get the homeowner's perspective as there was significant history regarding Cove Construction and the Board and that he (Mr. Mostecky) certainly did not have to continue the conversation on the phone if he did not desire to. If the Board had questions for Brendan Mostecky, Brendan considered that a formal request for Mr. Mostecky to attend a public Board meeting should have occurred in lieu of a phone discussion from Gary Menin acting as the Board of Health.

Gary Menin apologized that his call was perceived by Mr. Mostecky as unnecessarily intrusive and unbecoming of a public official, but considered that his inquiry was entirely reasonable and pertinent to the case at hand. Furthermore, Mr. Menin identified that the inquiries were his concern alone and did not warrant further "entire Board" involvement.

Allen Hoffman made a motion to suspend Mike Cove's Installer's License for a year. There was no second. Gary Menin would like to have more information regarding Mr. Cove's insurance before he will support this motion.

Allen Hoffman made a motion to suspend Mike Cove's Installer's License for 9 months; Gary Menin seconded; no further discussion; both Allen Hoffman and Gary Menin voted yes. The third member of the Board, Donna Clark, had recused herself.

It was also agreed that the BOH reserves the right to re-examine Mike Cove's qualifications before he is issued a Sterling Installers' License.

In any case, a COC will be issued for 14 Glendale based on the new Engineering information...letters attached.

Donna Clark returned to the meeting at this point in time.

7 Crowley Road Complaint: DEP sent along a complaint, dated October 2015, about dumping of sewage at this address, owner Mike Cove. This was received by the BOH on December 30, 2015.

Allen Hoffman suggested that no Haulers' License be issued to Mike Cove until the complaint is satisfied.

Gary Menin made a motion to defer on the issuance of a Haulers' License for Mike Cove until further investigation and that the Board meet with Mike Cove for investigative purposes. No second was made. It was agreed that there should be a follow-up visit to the site for further evaluation.

Administrative Assistant Position for the BOH: The Board reviewed the resumes and after some discussion, it was agreed to hire Elaine Heller for the position.

Gary Menin made the motion to hire Elaine Heller; Donna Clark second; no discussion; all three members were in favor. Letters will be sent to each applicant informing them of the Board's decision.

14 Quail Roost: On January 6, 2016, Allen Hoffman and David Favreau visited the property. There was no odor (29 degrees). A lot of cleanup work had been done to the property; however, the ground was covered with snow so it was difficult to see. The situation will be monitored by David Favreau on an ongoing basis. During this site visit, Jay Hartnett provided David Favreau with a letter from Dawn Hartnett stating that they were working with the Agricultural Commission on a management plan.

James Morin Situation: Allen Hoffman spoke with James Morin on 12/17/2015. Mr. Morin accepted responsibility for 14 Glendale and said that he would send a letter to the Board stating that he would do no work in Sterling until after April 1, 2016. Since James Morin hasn't followed through, Allen Hoffman will call him again.

MPHN Inspector: After review and discussion of Inspection reports and conflicting comments provided by Rita McConvill, MPHN Inspector. Gary Menin made the motion that Rita McConvill, MPHN Inspector, review and initial the Title 5 reports for the properties that she observes the Title 5 inspections on; Title 5 inspection reports shall be submitted to the BOH office, MPHN Inspector shall review them for completeness and initial those she witnesses. Donna Clark second; no further discussion; all three members in favor. David Favreau will speak with the MPHN inspector of this expectation.

An additional meeting to discuss FY17 Budget and any minutes that are available for approval was agreed to for Thursday, January 21, 2016 at 6:30pm in Room 205.

9:15pm Gary Menin made a motion to adjourn; Donna Clark second; no discussion; all three members in favor.