

April 14, 2016
Sterling Board of Health Meeting
Butterick Municipal Building, Room 205
1 Park Street, Sterling, MA. 01564

Meeting Minutes

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

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

Attendees: Rosanne Mapp
Paul Belair
L.R. Favreau

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

Approve Prior Meeting Minutes:

A motion to accept minutes of the February 25, 2016 meeting, as amended, was made by Donna Clark and seconded by Gary Menin. All were in favor and the motion carried.

A motion to accept minutes of the March 9, 2016 meeting was made by Donna Clark and seconded by Allen Hoffman. With both members in favor, the motion carried. Gary Menin abstained as he was not present at the meeting.

A motion to accept minutes of the March 14, 2016 meeting was made by Donna Clark and seconded by Allen Hoffman. With both in favor, the motion carried. Gary Menin abstained as he was not present at the meeting.

Health Agent Report:

Health Agent Favreau spoke on the sewage odor complaint at 24-34 Clinton Road. MassDEP performed a site visit this morning, in response to a complaint from Paul Belair, the property owner at 34 Clinton Road. According to a report received from Mass DEP, no noticeable odors were evident in the location of the sewage breakout. Grey fungal matter was visible on the ground within the breakout area. This notwithstanding, the DEP report tacitly acknowledged that it was a septic breakout of 24 Clinton Road's system and recommended immediate remedial action.

Mr. Belair expressed frustration that this situation was first brought before the BOH in February 2015 and is still ongoing. Mr. Favreau noted the Board of Health Department has made 16 visits to the site and has not been able to confirm that any sewage has been running down the driveway. Dye test on the septic systems at 24 and 34 Clinton Road had also been previously performed and no dye had been observed at the surface elevation at either system. Ground water is close to the surface elevation within this area. Photos dated March 3, 2016 were presented showing noticeable surface water flowing alongside the driveway of 34 Clinton Road, Mr. Belair's residence.

Gary Menin stated he had never been made aware of this problem. David Favreau thought Mr. Menin should be aware as it has been an ongoing complaint/investigation and has been discussed during previous meetings. Regardless of any prior "routine" mention of this complaint, Mr. Menin resented the fact that the Chair had been invited to site visits while he and the other Board member were not.

Gary Menin made a motion that the Board of Health take action that was noted in the MassDEP report, namely the spreading of lime in the area, initiating a pumping schedule for the 24 Clinton Road property until an upgraded system is installed, and a cover material over the breakout area. No second on the motion was made, and after further discussion it was decided by the Board that all members will do a site visit, as the distribution box needs to be uncovered for inspection purposes. Mr. Belair gave permission to walk his property.

Agenda Items:

Rosanne Mapp came before the Board to discuss the lead paint issue at the 33 Main Street building. She contacted the MA Environmental Health Office and spoke with Thomas Plante about the lead paint and also the scaffolding in front of the building, which is free standing. Mr. Plante indicated the building should be wrapped because of lead paint dust and also because of the scaffolding. According to Ms. Mapp, the town Building Inspector has issued a permit for the scaffolding.

Board members noted there are no specific state or federal codes regarding lead paint on the outside of a building. Mr. Menin offered to look at OSHA scaffolding regulations, and if it appears there are safety issues, he will contact the Building Inspector.

L.R. Favreau asked about the status of two construction permits for D-box repairs. The Title 5's need to be signed off by the MPH representative before the permits are issued. Health Agent Favreau will call her tomorrow to check status.

Review Memo from Earth Removal Board re: 38 Clinton Road:

According to the memo, the ERB voted to require the property owner to mark property lines, separating the lots so each lot can be identified from the road. The memo also made mention of the fact that the Registry of Deeds has 38 Clinton Road recorded as 5 lots. The Board of Health gave approval for 4 septic systems, having received submissions for 4 systems.

Gary Menin expressed his opinion that the inconsistency in number of lots needs to be corrected before the BOH takes any action on the plans. Gary Menin suggested a letter be sent to the Planning Board and the Earth Removal Board that the Board of Health is rescinding approval of 4 individual plans as it appears lot lines have been redrawn and the BOH needs to be sure lot lines meet T5 requirements. The Planning Board or Earth Removal Board should make sure the property is recorded properly with the Registry of Deeds.

Final decision of the BOH was that a letter will be sent to the Planning Board noting the BOH would like to be sure the site is recorded properly before the owner is allowed to go forward with construction of the septic systems.

Review May 2, 2016 Town Meeting Article:

Board members reviewed a memo from Matt Marro of the Conservation Commission regarding a Warrant article submitted by the Conservation Commission, requesting the sum of \$9,000, or any other sum, to be used for the study and treatment of East Lake Waushacum. Both Allen Hoffman and Gary Menin feel a nutrient balance should be done; it was suggested Allen write a letter to the Finance Committee, whose members deferred to the Board of Health on this article,

explaining their position on the article. Given the timing, it was decided to present last year's letter if requested at the town meeting.

Raccoon tested for rabies - Chace Hill Road:

According to Health Agent Favreau, the testing was negative.

Violation Notice: Contractor (Cove Construction) hauling sewage without 2016 Sewage Haulers License:

Mr. Favreau indicated the contractor needs to be sent a letter regarding status of his license. Mr. Menin will write a letter regarding the code violation, that an application for the Sewage Haulers License has not been received to date.

Signatures Required:

Food Establishment Licenses and Installers Licenses were signed by all Board members.

Appointments and Agenda Items;

The next Board of Health meeting is scheduled for May 12, 2016, at 6:30 PM.

The Fay Spofford contract needed to be signed due to a name change of the business. The contract remains the same. Mr. Hoffman signed the contract.

After discussion, members selected May 5, 2016 at 5:00 PM for the Health Agent performance evaluation.

Thursday, April 21, 2016 at 4 or 5 PM was selected by Board members for a site visit to 24 Clinton Road.

A construction permit extension has been requested for 192 Justice Hill Road. Gary Menin made a motion to approve an extension for one year. Donna Clark seconded the motion. The vote was unanimous.

Future Agenda Items:

- The Crowley Road complaint, which is in Mass DEP hands.
- The question was raised about insurance requirements for licensees. Other than an insurance statement, no other requirement is necessary. Adding a regulation is to be placed on the next agenda.
- Mr. Menin would like to discuss, at the next meeting, the necessity of a regulation as to where a vent pipe can be located.
- Mr. Menin would like to discuss strategy for addressing the Zika Virus, if necessary.

Adjourn:

A motion to adjourn the meeting was made by Gary Menin and seconded by Donna Clark. All were in favor and the meeting adjourned at 8:30 PM.