

**TOWN OF STURBRIDGE, MA
BOARD OF HEALTH**

**Monday, November 28, 2016
Sturbridge Center Office Building, 2nd Floor**

Meeting Called to Order: 5:30 pm

Quorum Check: Confirmed

Members Present: Linda Cocalis (LC), Chairman **Members Absent:** Richard Volpe (RV)
Robert Audet (RA)

Others Present: Jamie Terry (JT), Interim BOH Agent
Cindy Sowa Forgit (CF), Interim BOH Administrative Assistant
Applicants and/or Audience Members: Seth LaJoie (SL), John and Joanne Solomon (JJS)

Approval of Minutes: October 24, 2016: Motion to accept as written: LC ; 2nd RA Vote: 2-0

5:30pm Board Updates (LC): Board of Health Re-Organization Consideration

- The Board of Health Re-Organization was presented to BOS on Monday, 11.21.16: Agent hours decrease from 35 hours to 20 hours; Health Inspector hours increase from 20 hours to 35 hours; and the Administrative Assistant hours increase from 15-25 hours to 35 hours.
- BOS voted (3-2) to put the BOH Re-Organization on the warrant to be presented to Finance Committee for the December special meeting. However, the vote was then rescinded. Therefore, it was removed for approval to be on the warrant.
- One BOS member had more questions and needed further understanding in the streamlining process of the BOH. More specifically, to know the difference between an agent vs. the inspector in what they do and qualifications required of an inspector vs. an agent.
- It is a net neutral change from a cost perspective. The BOS didn't want to lose a FT Agent, but seemed fine with a FT Inspector and FT Administrative Assistant.
- The concern is now that the Health Inspector is set to leave in Jan. Originally the Inspector was a stipend job. It changed to an hourly position, and had to give hourly rate in order to hire a qualified person. BOH would prefer to avoid training another inspector. The only state requirement is to be serve safe certified and to pass an 8 hour qualifications course offered by the State. The inspector is also responsible for housing, which training is offered through the State.
- BOH should look more closely at the number of permits and revenue generated. In the case of housing inspections, some inspections will require 2 people to inspect, especially due to court concerns as typically it's an emotional matter and facts can get blurred by those citizens/parties involved.

5:45pm Public Hearings: 112 Wallace Road – Well offset, variance request due to repair of existing septic system

Contractor Briefing: Seth Lajoie, Seth L. Lajoie & Associates representing Hunter Foote.

- This is a septic system repair of an existing 3 bed house.
- The existing septic is located in the front yard. The existing paved driveway is pushing the direction of the repair. The artesian well is located in the rear of the house.
- The owner is requesting a variance of 55' from the owner's well to a proposed leach field and 80' from the abutter's existing well.
- Title V requires the septic system to be 100' from a well, therefore a variance must be requested.
- The leach field would be going where it currently is located.
- The abutters, who are present at the meeting raised their concern trying to assume the location of the septic is not in the upper field, due to a water runoff and possible contamination to their water.

Documents Submitted:

- A set of plans presented to BOH and Abutter
- Abutter Notification given to Chair

Board comments, questions:

- RA: Who are the abutter's effected by this proposal? SL: The Solomon's are the only abutter's affected.

Audience comments, questions:

- John and Joanne Solomon (JJS): Why were we the only ones contacted? JT: The well locations dictate who gets notified.
- JT: Most artesian wells are 200-300' down into the ground. A 4' ground water offset is a state regulation.
- JT: Do you know how much casing is on your well? John: We had a new well put in years ago, it has about 40' of casing on the well. It's an artesian well about 160' deep. JT: The casing is a sealed enclosure. If you had a shallow well, there is no casing and the water drawn is not from a deep source. Your well is drawing from an aquifer from bedrock.
- Joanne: What is and Aquifer? JT: a water source underground is an aquifer. The bedrock protects the water. SL: There are different levels of an aquifer.
- JT: I feel it's more protective solution. It's closer to your own well than the neighbor. It's a repair and feel this is the best solution.
- JJS: We feel safe with the explanation. Our concern was that it would end up in the field. That it would disrupt the flow pattern and expose ledge in back.
- Joanne: What if my septic fails? JT: There are no offsets of a septic to another septic, but more so to the property line. You have the right to file for a variance. The BOH will consider the most protective option for the property. John: Do you know how far we might be away? SL: You maybe 60-65' from 112 Wallace Rd well since your lot is more difficult due to its size.

Motion: (LC) To accept the variance requested and proposed septic system repair for 112 Wallace Road as described to be at 80' to 110 Wallace Rd well and 55' to 112 Wallace Rd well. 2nd: RA Vote: 2-0. Vote: Unanimous.

Agent's Report:

- **Harrington LLP** – a notification that the employee must be considered a “special employee”
- **David Pellitier** – the open meeting law complaint was thrown out by the Court.
- **DEP** – The attorney is getting clarification from DEP as to when clock starts ticking for the 21 day response time. No updated yet.
- **Registered Board of Sanitarians** – Donald Brothers, 7 Main St.
 - This gentleman moved into property in foreclosure process.
 - The foreclosing attorney, the mortgage company have been contacted by Brothers. LC got call from State Rep Todd Smola on this situation recently.
 - 4 yrs ago, he signed the deed over to his fiancé at the time.
 - According to his fiancé, the foreclosure process started. A pipe burst and she called mortgage. Said she couldn't pay for the repair. She told them she had to walk away from property.
 - Feb 2016: she called the Town and requested water be shut off.
 - Aug 2016: Brothers and his new girlfriend moved it. Have had no water since this time.
 - Oct 2016:
 - The Water Dept called in due to a leak in system. Water dept fixed problem and notified BOH.
 - BOH sent order to owner. She can only turn it on, she got notice. She doesn't want to turn on water.
 - JT called mortgage company and foreclosure atty – according to both entities, since the property is not his name he has no legal right to be in property.
 - Town: Water Dept and Finance agree.
 - He continues to come into town, to call all departments. He believes he is working with mortgage company to re-enter the property. The mortgage company supervisor must review recordings of 85 re-entry specialists to determine if he was told is true. Last Friday the mortgage company was to confirm if he has any rights. We haven't heard any update on this.
 - He is considered a sqwatter per the mortgage company.
 - Owner has contacted attys along with working with BOH. BOH won't fine you and not going to court as your trying to work on it.
 - Brothers has called DEP, EPA and Smola's office, and now is contacting the Lic. Board. JT left message with board. JT has support of Board if need us to get involved, we will.

Old Business: None discussed

New Business:

- NIMS/ICS – CF to resend email to Board in order to get courses taken, received certificates.

Recycling Center/Landfill: None discussed

Correspondence: None discussed.

Public Comment Period: None discussed.

Motion to Adjourn Public Meeting at 6:35pm: Role Call Vote: LC: Yes; BA: Yes.

Not to reconvening to the existing public meeting: Role Call Vote: LC Out; BA: Out

Next Meeting – JT: proposed no meeting since we may have to meet due to 21 day response. All agreed. The town meeting is Mon, 12.12.16. JT is appointed until 12.31.16. Wendi's retirement got approved so she can stay on till 1/1/16 or extend to 4/16 and move in May.

Fluoride Meeting: Jan 9th

The items listed, which may be discussed at the meeting, are those reasonably anticipated by the Chair.~ Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.~ For those items that will be discussed, the Conservation Commission will address its questions and concerns with a proponent before allowing the public to weigh in on the topic being discussed with the proponent.~ For public discussion of non-agenda items, such discussion will be handled during the Walk-in period or as allowed by the Chair.