

Board of Health Public Meeting

January 10, 2008

Caucus Hall

5:00 p.m.

Members Present: Jerry Anathan, Duane Gregory, John Livingstone

Members Absent: Ken Janson and Tom Gaudreau

Staff: Jane Evans, Health Agent
David Gardner, Ass't Town Manager

The meeting was called to order at 5:00 p.m.

AGENDA

Public Comments

There were none.

New Business

422 Commercial Street

Appeal Health Agents Decision

Lee Ash represented the Condominium Association to appeal the HA decision that the system is failed and her Order to install a compliant Title V. Duane Gregory and Jerry Anathan disclosed that they are actively Licensed Real Estate agents as is Ms. Ash. There were no objections to proceeding.

The condominium association feels the system has been functioning properly and that the cesspool as part of the system was not an issue. They would like the board to allow them to continue with the present system.

Jane found three inspections with ONE conclusion: the system consisted of a septic tank, a cesspool, and a leach pit. It is pre Title V with no engineered plan.

Local regulations require automatic failure of cesspools.

After a great deal of discussion, the board was not inclined to overturn the Health Agent's decision. Staff informed the board there is a good probability of a sewer connection becoming available in the future for that address, so an ACO could be issued. The board felt a sewer connection would be the maximum feasible compliance and the best long term solution to the situation. An ACO would allow the property to continue with their present system until such time as they can connect to the municipal sewer.

Motion: To require the property owners to enter into an Administrative Consent Order and require annual pumping of the septic system.

Motion: Duane Gregory Seconded: John Livingstone Vote: 3-0-0.

Discussion

Moratorium on Mounded Septic Systems

Dana Faris was asked by the Town Manager to come before the BoH. The property which prompted this discussion is located at 25 Winthrop Street. Dana cited a West Boylston property which had sufficient acreage to accommodate a Title 5, yet the court upheld BoH order to connect to a sewer that was available. Also our town counsel advised that the BoH was within its rights to mandate connection to the sewer rather than install Title V.

Chris Snow, attorney for the 25 Winthrop St. property, stated that the property coming before you is a green dot property and not mandated for sewer hook up.

Jane Evans will be drafting a new regulation for future discussion.

Hearing Protection Issue

John Livingstone has done a great deal of research on noise and how it adversely affects hearing. He handed out an outline with salient points.

Duane G. thought that perhaps the BoH could put forth their concerns in the form of a town meeting article for the April town meeting. John would prefer to make a BoH regulation to the effect that any noise over 82 decibels is harmful to hearing and therefore a public health concern. Duane asked John to come up with something in a paragraph and bring it up to the BoH and then we can create a reg. John said that the state already has a reg.

Jane suggested that we probably need Sharon Lynn and Warren Tobias to come to a discussion meeting.

Approval of Minutes for October 11, November 8 & December 20, 2007 Continue until members that were present are available to vote.

Any other business that shall properly come before the Board

Duane had two concerns:

1. Put on next agenda – reorganization of the Board.
2. We also need something for the annual report.

Health Agent's Report

Jane showed a memo that had been released by David Guertin, DPW Director, that mentioned that during a recent meeting with Metcalf & Eddy a study revealed there was a reduction in the mass loading rate at the treatment plant and an overall reduction of grease in the collection system. Mr. Guertin attributed these reductions in part to the success of Jane's grease management and educational program.

She also gave an update on the Commodore Avenue case.

Board Members' Statements

There were none.

The meeting adjourned at 6:30 p.m.

Respectfully submitted,
E. Rogers Gaudiano

Approved by _____ on _____, 2008.
Duane Gregory, Chair