

**BOARD OF HEALTH MEETING MINUTES
JANUARY 12, 2021, 5:00P.M.
LOCATION: REMOTE**

PRESENT:

Chairperson Margie LaFleur, Member Phillip Durno, Member Renee D'Argento, Health Agent Kalene Gendron, Virginia Malouin of 128 Hollis Street, Stephen Themelis, 4 Franklin Street and Keith Babin, 40 Lawrence Street.

Chairperson Margie LaFleur opened the meeting at 5:01p.m. She announced that the meeting was remote participation only; meeting is being cablecast live and recorded by Pepperell Community Media.

ACCEPTANCE OF MINUTES:

Member Phil Durno made a motion to accept the meeting minutes of November 10, 2020 as written; motion was seconded by Renee D'Argento; it was voted all in favor to approve the meeting minutes of November 10, 2020 as written.

BILL WARRANT APPROVAL:

Chairperson LaFleur reviewed with the Board a W.B. Mason Invoice dated December 15, 2020 for a toner cartridge to be used in the office printer, totaling \$138.82. On a motion made by Phil Durno; seconded by Renee D'Argento; it was voted all in favor to approve the bill warrant of December 29, 2020 in the amount of \$138.82.

PERMITS/LICENSES & ACTION ITEMS:

40 Lawrence Street – SDS Design – Applicant is Seeking to Modify Septic Permit from One Bedroom to Four Bedrooms

Chairperson LaFleur acknowledged that since the homeowners of 20L/R Wheeler Street were not in attendance for the Public Hearing; that she would move to the action item of 40 Lawrence Street. The Chairperson welcomed the Applicant, Keith Babin to the meeting. Ms. LaFleur reviewed with the Board a passing Title V report of 40 Lawrence Street dated December 26, 2020.

The Board addressed several questions to Health Agent Kalene Gendron for clarification.

Renee D'Argento questioned if it was appropriate to consider old perc data from 1980 or is new perc testing required. She noted that the data reflected a 1,000 gallon septic tank and that the trenches in the septic system were only 12 inches wide and she asked if that meant that the system was still in full compliance with current Title V regulations; and how does that affect the Board regarding the septic permitting process. Ms. D'Argento inquired why on page nine of the Title V Report that the question regarding sewage odors was answered with a yes and no answer.

She also requested clarification on wetland permitting; when the Title V report states that a system is within 50 feet of surface water and work is being performed.

Health Agent Kalene Gendron responded by addressing all of Ms. D'Argento's questions. Ms. Gendron noted that regarding the perc date from 1980; soil data does not expire. In 1995, the code was revised and identified water tables differently. However, when Inspector Silva did this Title V inspection in December 2020 he took this into consideration as groundwater can fail a system. During Mr. Silva's inspection groundwater was not an issue. Ms. Gendron addressed the issue of the 12 inch trenches by stating that Mr. Babin retained Engineer Jack Visniewski to provide him specifications of the septic system in the ground and what it can handle. Ms. Gendron stated that even though it is not a compliant size trench for today's standards, it does not necessarily fail Title V.

Ms. Gendron stated that according to the Board of Health records in 2009, the 1,000 gallon tank was replaced with a 1,500 gallon tank. She went on to explain that clarification would be needed by Inspector Silva on the accurate answer regarding sewage odors on page nine of the Title V report. Ms. Gendron reported that she received a call from the Inspector notifying her on a discrepancy on page 7 of the Title V report which he answered that there was a sump pump. Inspector stated that the question was answered incorrectly as there is no sump pump. In regards to wetlands, Kalene noted that the BOH does not oversee wetlands. Ms. Gendron noted that it is her understanding that Mr. Babin's property is outside the jurisdiction of the wetlands and could be in the buffer zone; clarification should be sought with the Conservation Commission Department.

Chairperson LaFleur questioned the property deed restriction currently recorded as a one bedroom and would that have to be changed to a four bedroom.

At this time, Keith Babin of 40 Lawrence Street addressed the Board. Mr. Babin recapped that the property was built in 1980 as a one bedroom house. He purchased the house in 2008 from the Bank. The bank had a contractor install a new 1,500 gallon as that was the new minimum in order to pass Title V. In 2009, the house burnt down. Mr. Babin eventually re-built the house according to the septic design which is a one bedroom house.

Mr. Babin stated that he recently hired Jack Visniewski, PE to inspect his SDS design since he felt that the existing system may be larger than the occupancy permit for a one bedroom. Ultimately, Engineer Visniewski's findings were that the system is adequate for 4 bedrooms using current Title 5 criteria; however the 12 inch wide trenches are no longer allowable. Mr. Babin stated that if a four bedroom septic is in the ground according to Engineer Visniewski then he feels it should be recorded as a four bedroom system and not a one bedroom system. Mr. Babin also informed the Board that because of his property's setbacks, there was no room for him to build an addition.

Ms. Gendron addressed the Board stating that Mr. Visniewski was retained to provide specifications on the system so it may not be a compliant system now for today's standards. Mr. Visniewski stated in his report that the septic tank capacity at approximately 440 gallons. She emphasized that the current standards, regardless of bedroom size is a two feet minimum or a three feet maximum; therefore, the 12 inch trench has been done away with. Ms. Gendron

asked the Board to revisit Section 15.204, 310 CMR in their meeting packets, which explains that no person shall increase the actual flow or design flow of any system above the existing approved capacity. In this case, the approved capacity according to the septic permit on record is for a one bedroom system.

Ms. D'Argento asked if we approve this property to be a four bedroom system than it means we are approving the capacity of the flow as a four bedroom. Kalene responded that she was correct and that the Board has the right to revoke, modify, suspend, and issue septic permits. Ms. Gendron reiterated that you are being asked to modify the permit from September 1980 to change from a one bedroom to a four bedroom system.

Ms. D'Argento requested clarity that according to the policy the homeowners cannot exceed what the Board of Health approves the septic system design to be.

Ms. Gendron reiterated that the property owner cannot exceed the approved capacity of the septic permit unless the system is upgraded in full compliance. Therefore, this system has not been upgraded and Mr. Babin is requesting the BOH to increase the number of bedrooms on the permit from one to a four bedroom system.

Ms. Gendron explained that she would not say that the system is currently out of compliance as it passed a Title V inspection in December 2020; anytime a Title V inspection is done; it is evaluated on what the Inspector sees that day regardless of the type of system.

Ms. LaFleur questioned the Health Agent if bringing the trenches up to code would require extensive modifications. Ms. Gendron responded yes; it would require re-testing and re-designing a whole new system.

Phil Durno asked how many people currently live in the house; and if the four bedroom system was approved how many people would live in the house. Mr. Babin responded four people will occupy the home.

On a motion made by Phil Durno, and seconded by Renee D'Argento; it was voted all in favor to modify the existing Sewage Disposal System Permit for 40 Lawrence Street from a one bedroom to four bedrooms.

Ink Haus Tattoo – Body Art Practitioner and Facility License(s) Renewal

Chairperson LaFleur presented to the Board license renewals from Ink Haus Tattoo, Anthony Schuster for Body Art Practitioner and Body Art Establishment, located at 41 Lomar Drive, Unit 11. Ms. LaFleur questioned if all required certifications were submitted along with the applications. Ms. Gendron confirmed that Mr. Schuster still needs to submit to the Board his certification documentation which was not included with his Body Art Practitioner's application.

Health Agent Kalene Gendron recommended that the Board approve the Body Art Establishment License.

On a motion made by Phil Durno, seconded by Renee D'Argento; it was voted all in favor to approve the Ink Haus Tattoo Body Art Establishment License for the year 2021.

On a motion made by Phil Durno, seconded by Renee D'Argento; it was voted all in favor to approve the Body Art Practitioner's 2021 License for Anthony Schuster contingent upon the receipt of Mr. Schuster's required certification documentation.

Rubbish Haulers Permit Renewals – Waste Management and G.W. Shaw and Sons, Inc.

On a motion made by Phil Durno, seconded by Renee D'Argento; it was voted all in favor to approve the Rubbish Haulers License Renewals of Waste Management and G.W. Shaw & Sons, Inc. for the year 2021.

Mobile Home Park – License Renewal

Health Agent Kalene Gendron informed the Board that all three Mobile Home Parks have submitted their applications with required documentation and fees. Ms. Gendron stated that she has driven through Suburban Village Mobile Home Park; and plans to do an inspection on Green Acres Mobile Home Park and Clark's Retirement Park soon. Ms. Gendron recommended to the Board to approve the three Mobile Home Park 2021 license renewals. On a motion made by Renee D'Argento and seconded by Phil Durno; it was voted all in favor to approve the mobile home park 2021 license renewals for Suburban Village, Green Acres and Clark's Mobile Home Parks.

101 Elm Street – Approval is requested to allow a reduction in the requisite groundwater offset from 5 feet to 3 feet with use of the Presby Enviro-septic Waste Water Treatment System

Chairperson LaFleur presented to the Board this request for approval. Health Agent Gendron recommended to the Board to approve a 2 foot groundwater relief for 101 Elm Street with use of the Presby. On a motion made by Renee D'Argento and seconded by Phil Durno; it was voted all in favor to approve the request to allow a reduction in the requisite groundwater offset from 5 feet to 3 feet with use of the Presby Enviro-septic Waste Water Treatment System at 101 Elm Street.

FY2022 Budget Process

Chairperson LaFleur reviewed with the Board a letter from the Town Administrator requesting submittal of the FY22 Budget along with a brief narrative overviewing the department's requests; due by January 22, 2021. Ms. LaFleur reviewed each line item of the proposed FY22 Budget with the Board. She noted that the budget was on track to be slightly higher than last year due to the anticipated increase with our Consulting Service Agency; Nashoba Associated Boards of Health (NABH). This increase is estimated to be five percent which calculates to \$2,372.21. The revenue of approximately \$2,400.00 through permit monies, etc. will cover this increase. After reviewing all line items, it was determined that the grand total of FY2022 budget to be \$91,392.25.

Ms. LaFleur notified the Board that she was planning on attending the Nashoba Associated Boards of Health (NABH) Executive Committee Meeting this month where budget discussions will take place. Ms. D'Argento expressed interest in attending the meeting as well.

Ms. LaFleur commented that what was not included in the BOH FY22 Budget was the need for a Social Worker for the town. She plans on researching where the funding for this position would come from as currently the BOH budget is very lean. She suggested that maybe a joint collaboration between departments could share in the expense of a non-benefitted part-time Social Worker. She hopes to meet with other departments soon to determine their need and possible funding available for this position. She noted that the Board requested a Social Worker in the past but has been denied. Ms. Gendron suggested that Ms. LaFleur modify the narrative written two years ago to expedite the request for a Social Worker.

Discussion ensued between Board members and Health Agent relative to the need for this Social Worker position; where to obtain funding, data and how to most effectively present this information to the Town Administrator.

Renee D'Argento mentioned the Northwest Middlesex Community Outreach Initiative Network (COIN) noting it is a ten town collaborative who assists those suffering from substance use and/or mental health disorders as a valuable but limited resource.

Chairperson LaFleur mentioned The Community Health Network of North Central Massachusetts (CHNA 9) as potentially being a valuable resource to our town. Health Agent encouraged the Board in establishing a relationship with CHNA9 as they are one of 27 CHNAs across the state that may be helpful in identifying and addressing our health needs; providing grant opportunities and training.

Discussion returned to the budget line items and it was noted that the Board does not currently have a permanent Office Assistant. It was noted that the Assistant presently in the Board of Health office is an Interim Assistant currently being paid by the Town.

Renee D'Argento referenced the Select Board 2021 Priorities, Staffing and Administration Section of the Town Administrator's budget letter. She suggested creating and publishing an "as is" organizational chart to include current Assistant; and explore changes to staffing and provide a "to be" version. She noted by utilizing this format, we could present that we will keep the current Interim Assistant and continue the way she is paid. Then perhaps, utilize the salary that was budgeted for a 19-hour Assistant and apply those funds towards a Social Worker position.

Ms. LaFleur informed the Board that there was a hiring freeze within the Town and it was unclear when that would be lifted and if the open Assistant position would need to be posted before the position was permanently filled.

Ms. D'Argento asked if there was enough information in the budget to approve what the Board wants to propose without the subject of the Social Worker. It was concluded by the Board that it was good to move forward as the only gray area was the issue of the proposed Social Worker.

On a motion made by Phil Durno; seconded by Renee D'Argento; it was voted all in favor to approve and submit the FY2022 Budget of \$91,392.25 and narrative to the Town Administrator.

Discussion continued on how to present the need and allocate funding for a Social Worker. Ms. LaFleur stated that she will contact the Town Administrator tomorrow and set up a meeting to discuss these concerns with him.

On a motion made by Renee D'Argento; seconded by Phil Durno; it was voted all in favor to rescind the vote on the approved FY2022 budget of \$91,392.35 and narrative.

The Board agreed to postpone the vote on the FY2022 Budget and narrative until their next meeting of January 19th. Ms. LaFleur will meet with the Town Administrative regarding the current Interim Assistant and the proposed Social Worker position and will report back to the Board on her findings.

Notice of Public Hearing for Condemnation – 20L/R Wheeler

Chairperson Margie LaFleur asked the Board for their recommendations on how to proceed with the scheduled Public Hearing on 20L/R Wheeler as the homeowners were not in attendance. Phil Durno stated that he wanted to move forward on the Public Hearing as he wanted to address this long-term non-compliance issue. Health Agent Gendron reported that she had proof of a signed certified mail receipt dated January 2, 2021 that someone at 20L/R Wheeler Street had received notification of the Public Hearing scheduled for this evening.

Chairperson LaFleur opened the Public Hearing for Condemnation of 20L/R Wheeler Street at 6:32p.m. Ms. LaFleur acknowledged copies of the documentation sent to the homeowners in the Board's packet. The Letter of Notice of Public Hearing dated December 28, 2020 detailed to homeowners the timeline of events to the current status of 20L/R Wheeler Street's non-compliant septic system.

Health Agent Gendron addressed the Board and stated that she had no updates to report and that the required deed recording was still outstanding as noted in the attached documentation.

Ms. LaFleur confirmed that the alleged violators of this non-compliance issue were not present at the Public Hearing in which they were notified. She asked if there was anyone in the audience that would like to address the Board on this issue. There was no response. At 6:34p.m., Ms. LaFleur closed the Public Hearing and reconvened the regular meeting; since there was no one present to state their reason why the Board should or should not condemn 20L/R Wheeler Street for non-compliance of their septic system and since no one was present to submit the required documentation requested of the property owners of 20L/R Wheeler Street.

Chairperson LaFleur asked the Board to deliberate and vote on how to move forward on this condemnation hearing. Discussion ensued among the Board Members. Phil Durno expressed his frustration on the lack of response from the property owners and their failed attempts to bring their septic system into compliance. He detailed the number of years and all the previous Board Members that have addressed this long-term non-compliance issue; and yet still today it is not resolved. He also expressed his empathy for the neighbor who over the past several years has continuously called and written letters to the Board concerning 20L/R Wheeler's property conditions and their non-compliant septic system.

Phil Durno made a motion to condemn 20L/R Wheeler Street for the failure to maintain a sewage disposal system in operable conditions.

Ms. LaFleur called for a second. Renee D'Argento requested further discussion. Details and timeframe on the condemnation process was discussed between the Board and the Health Agent.

Renee D'Argento seconded the motion to condemn; it was voted all in favor to condemn 20L/R Wheeler Street for the failure to maintain a sewage disposal system in operable conditions. It was noted that this property shall be vacated and secured.

Ms. LaFleur stated that the Board will be sending the homeowners a written notice of the Board's decision to condemn 20L/R Wheeler Street.

Health Agent informed the Board that she will follow up with the required documentation. A Constable will serve the Condemnation, Order to Vacate; Order to Secure Notice to the property owners. She will also oversee the posting of this Notice on the property.

HEALTH AGENT COMMENTS:

COVID-19 Updates:

Health Agent Kalene Gendron noted that in the Board's meeting packet was a narrative provided by the Director of the Nashoba Associated Boards of Health (NABH). She informed the Board that many elderly residents have contacted our office(s) inquiring when and where they can be vaccinated. She noted that the roll-out and administration of the COVID-19 vaccine will be conducted in accordance with the plan developed by the State of Massachusetts; a link to the website outlining the plan is as follows:

<https://www.mass.gov/covid-19-vaccine-in-massachusetts>.

This link is also posted on the Town of Pepperell's website.

Ms. Gendron reiterated that the Board of Health, will be in align with the State's phased approach to the distribution of the vaccine to ensure that those at the greatest risks are prioritized as the production and distribution of the vaccine is underway. At this time the Board of Health is currently not administering any vaccines to the general public. Residents are encouraged to regularly visit the town's website and/or reference the state's link to see where they fit in the State's plan; under the categories of Phase I, Phase II or Phase III of the vaccination plan. Ms. Gendron noted that the State regularly updates this site.

Currently, Phase I is underway as our First Responders are being vaccinated.

FUTURE MEETING:

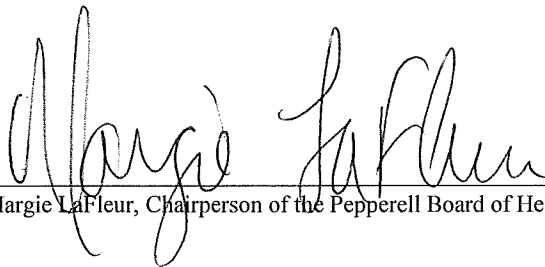
The next PBOH meeting is scheduled for January 19, 2021 at 5p.m.

ADJOURNMENT:

On a motion made by Phil Durno; seconded by Renee D'Argento , it was voted all in favor to adjourn the meeting at 6:43p.m.

Respectfully submitted by Trish DeLorey, Interim Assistant to the Board of Health

Signed:



Margie LaFleur, Chairperson of the Pepperell Board of Health

Renee D'Argento, Member of the Pepperell Board of Health

Phillip Durno, Member of the Pepperell Board of Health