**Scituate Board of Health Meeting**

**November 24, 2014**

**Scituate Town Hall – Selectman’s Hearing Room**

**MEMBERS PRESENT**: Mr. Russell Clark, Chairman

 Mr. Michael Vazza, BOH Member

**OTHER’S PRESENT**: Ms. Jennifer Keefe, Director, Public Health

 Ms. Susan Tice, Health Department

**7:00 PM**  Open Meeting – Mr. Russell Clark opened the meeting at 7:00 PM

**TOBACCO VIOLATION DISCUSSION:**

Mr. Clark referenced the tobacco violation issued against Sands End Café and acknowledged Marilyn Ward Howe, owner of Sands End Café who was in attendance. Jennifer Keefe explained to the Board members that the violation was issued from the FDA and explained that the FDA does a separate compliance check from the BOH and wasn’t aware the FDA was doing checks. Ms. Howe read the letter from the FDA, which stated that a minor entered the store and bought cigarettes from a blonde female clerk at Sands End Café. Ms. How stated it took one month to receive the letter with no prior contact. She said she still has no idea to whom the FDA is referring to in the letter because she has no employee matching that description. Each summer Ms. Howe explains the cigarette and alcohol policy to all employees and asks them to request IDs from all customers that look 30 years of age or younger.

Mr. Vazza asked if she documented when she educates the employees. Marilyn said she does and even reiterated the information after the infraction. Mr. Clark wasn’t aware the FDA was doing checks in the Town of Scituate. Ms. Howe stated her problem with this particular situation was that someone should have contacted her right away so she could follow through with the complaint against the employee and take the appropriate action necessary. Mr. Clark agreed that is should have happened right away. Mr. Vazza stated that during the tobacco compliance checks he knew about prior to this, the owner was informed immediately. Mr. Clark mentioned they shut the stores down in the past. Ms. Howe said she has very good employees and tells her employees to err on asking for the ID. Mr. Clark wanted to know if the change to age twenty one was a problem. She said it didn’t seem to be except the younger customers could walk over the bridge to Marshfield. Mr. Vazza stated he wanted to do more compliance checks.

**PRIVATE WELL DISCUSSION:**

Mr. Clark stated the next item on the agenda was private well regulations. Jennifer Keefe explained how she compiled data from several neighboring towns to come up with an application and checklist for private wells in Scituate. The proposed application and checklist was reviewed and Mr. Pansey mentioned removing the license or registration number as they are one in the same. Mr. Vazza wanted the last sentence on the applications to be bolded. Mr. Pansey wanted to know how many days they would need to review the application and suggested fifteen days.

Mr. Pansey questioned the pay schedule on the application. Jennifer Keefe explained that she thought a flat fee of $150.00 seemed fair after reviewing the other towns’ fees. Mr. Clark agreed that $150.00 was not prohibitive. Mr. Vazza agreed that it was a fee that people would take seriously and Mr. Pansey wanted non-refundable added to the form to be clear. The Board members agreed that it was necessary for Conservation and DPW to review the requests. Mr. Clark asked if there were any other questions. Mr. Pansey asked if the drinking wells only needed testing. Mr. Clark said both irrigation and potable. Jennifer Keefe said even irrigation wells are tested for contaminants particularly fecal coliform and total coliform. Several towns request testing 200 feet around the radius of the well for contaminants but Jennifer suggested 500 feet. Jennifer suggested using Mass DEP’s searchable site list to identify releases near proposed wells.. Jennifer stated she wanted current residents with wells on their property be given 6 months to register them with the BOH. There wouldn’t be a fee for those owners. The town wants them on record for any future projects that may occur on their property including septic system installers. Jennifer stated she will post and let septic installers know about the wells. We don’t have a current list of well drillers yet. Mr. Vazza made a motion to accept the two page permit application for wells and it was unanimously approved. BOH Members thanked Jennifer for all of her work on this project.

Jennifer referred to the well regulations from construction and water quality testing in number 8 and 9 of the regulations she is compiling and asked for feedback from the BOH members. She explained that construction in Hingham was more regulated than most towns and asked if we wanted to get that specific. She liked the requirement of a metal tag on the wells when they are installed because they are easily located by a magnet for future reference. She stated there were too many abandoned wells and they are dangerous. Mr. Pansey liked sections 8.4 and 8.5 and said she was going down the right road. The Town reserves the right to request testing. Mr. Clark doesn’t want to overwhelm well owner with unnecessary testing. Mr. Pansey asks Jennifer if some towns require more testing and Jennifer confirmed. Jennifer will look at the State Regulations and narrow the testing down. Mr. Clark wants to know how long the testing is good for. He is looking at the well regulations from the real estate point of view and suggests at the time of sale it is similar to Title 5 and the homeowner must provide proof that the well was tested and free of contaminants. Mr. Vazza stated that he didn’t want to get into testing for new homeowners. Jennifer said most towns recommend testing at transfer of property. Mr. Vazza also asked Jennifer if she was going to break down the regulations for potable and irrigation wells. Jennifer explained it wouldn’t be necessary for construction but would for testing. Mr. Pansey stated that the construction should be left to the well drillers and that State construction regulations should be enough. Jennifer stated she would take out the engineering details and put a comparison chart together for chemical testing.

Jennifer discussed the application and location in section 5.7 gives setbacks. Do we want to follow Title 5 and use 10 feet? Mr. Clark said Scituate is pretty well developed and if the property owners have a well and are non-compliant he doesn’t think they should have to go through the variance process if they aren’t 10 feet away from the property line. Mr. Vazza noted that A-G were the important things and the leaching field was most important. Jennifer thought the cesspools might be an important item to add since Scituate has many. The BOH members want

Item 5 taken out of the regulations. Mr. Pansey suggested 5.3 be placed under construction and Jennifer agreed. She explained the items were out of order because she was pulling from different sections. Jennifer stated that section 4.1 contains information regarding potable wells. If there is town water can residents install a potable well? This is something to consider. Mr. Vazza asked if anyone from the water department has reviewed any of these regulations and Jennifer said the DPW will be involved. Mr. Clark wants all of the Boards to review and comment. Jennifer stated she would revise the regulations and add the water quality piece and they will become much shorter. Again Mr. Clark acknowledges Jennifer’s hard work.

**NEW BUSINESS:**

Jennifer updated the BOH members on the flu clinic at Scituate Pharmacy on November 22, 2014 where Eileen Scotti, the Public Health Nurse, administered 28 doses of the vaccine. The BOH is low on doses and Eileen has contacted the State for more vaccine. She is waiting to hear. Mr. Clark asked if the numbers are consistent with last year and Jennifer said we were on track with about 400 doses.

Mr. Clark asked the two residents in attendance to introduce themselves and state their business. Kristen Lilly and husband Michael Kenny, residents of 151 Border Street, are requesting assistance on a certificate of compliance. They have a signed purchase and sale on their property but it is being held up because of the COC. The septic upgrade was completed by December 2013. They used Ed Stone, licensed surveyor as the design engineer. The work was completed, backfilled and tarred. The As Built was completed and all bills were paid to the installer. The owners didn’t feel pressure to get the COC until they received an offer on the property. They have since used the same installer for another property and it ended in a dispute, which is being handled in another forum. Mr. Kenny said Jennifer called the installer to come in and sign the COC and he refused due to non-payment. Mr. Kenny said Ms. Lilly showed the cancelled checks proving the installer was paid for 151 Border Street. Mr. Kenny doesn’t understand why the BOH will not release the COC. Mr. Pansey stated that Jennifer must follow the rules and the installer must sign first. Ms. Lilly wants to know what can be done since the two jobs are unrelated. She stated that the damages to their other property were substantial and they had to fire the installer and now he refuses to sign for work at the property that was completed and for which he was paid. Mr. Kenny insists the installer has a clear cut responsibility to sign off on his work. He is using his license to withhold his signature. Mr. Kenny said he should no longer be allowed to install for Scituate anymore. Mr. Vazza wanted to know why the COC wasn’t signed right away. They should have called the BOH for a final inspection and the COC should have been signed at the time. Mr. Kenny said the implications are significant and not just for the installer. Mr. Clark said he needed the installer to come and present his side of the story because they cannot side step the process. There could be a public hearing on another night. Mr. Vazza requested Jennifer send a letter to the installer and let him know his license with the town could be in jeopardy. Mr. Vazza says the board needs to hear both sides. Mr. Kenny requested they handle the procedural issues. Jennifer said the next public hearing is on December 8, 2014 and this issue will be first on the agenda. Kristen Lilly, Michael Kenny and Joseph Bonomi will be notified. Ms. Lilly and Mr. Kenny said they appreciate anything that could be done.

**MEETING AJOURNED:**

All in favor 8:05