

**Scituate Board of Health Meeting
Monday, May 14, 2018
Selectman Hearing Room
6:00 P.M.**

MEMBERS PRESENT: Mr. Doug Whyte, Chairman
Mr. Russell Clark, BOH Member
Mr. Steven Pansey, BOH Member

OTHERS PRESENT: Ms. Jennifer Keefe, Director, Public Health
Ms. Joan Schmid, Administrative Assistant

6:00 MEETING CALLED TO ORDER/ACCEPTANCE OF AGENDA

Mr. Whyte called the meeting to order at 6:02 p.m.

Acceptance of the Agenda - A motion was made and seconded with all in favor of accepting the agenda and opening the meeting.

SCHEDULED ITEMS

Discuss/Vote: Update on the required septic system operation and maintenance repairs; Lydon; 65 Hollett Street

The owner of 65 Hollett Street was not in attendance. Ms. Keefe gave the Board a current summary. At the last meeting on April 18, 2018, the Board voted to notify the owner and occupants of the dwelling located at 65 Hollett Street that the Board of Health will consider issuing a finding that the dwelling is unfit for human habitation and may result in condemnation with an order to vacate in accordance with 105 CMR 410.000 at a public hearing conducted at this evenings meeting. Ms. Keefe sent a letter to the owner the day after the meeting informing her of the Board's decision. Ms. Keefe said that the owner did sign an operation and maintenance contract but needed to complete necessary repairs to the septic system. Ms. Keefe noted as of last week the repairs remain outstanding. The repair for the new blower was scheduled on April 27th but there was a miscommunication between the pumper and the maintenance operator. The pumper arrived before the operator and needed to coordinate the timing of the work. Therefore, the repair did not happen. Ms. Keefe said the operation and maintenance company told her the repair was rescheduled to sometime this week.

A motion was made and seconded to continue until the May 30, 2018 Board of Health meeting and notify the owner the repairs need to be completed by the May 30, 2018 meeting and if the repairs werenot completed, the owner needed to appear at the May 30, 2018 Board of Health meeting.

Discuss/Vote: Update on non-compliance of failed septic system; 41 Utility Road; McDonough

Mr. Thomas McDonough of 41 Utility Road attended the meeting. The Board asked Mr. McDonough, since the Board had required the McDonoughs to conduct percolation testing and submit a septic system design plan with installer estimates. Mr. McDonough said he reached out to engineering companies and received proposals. Mr. McDonough said as of today he will be contracting with Grady Consulting, who will be handling the design and the percolation test. The Board asked when he contracted with Grady Consulting and asked if they have come into the office to complete the paperwork. Mr. McDonough said he just got the proposal from Grady Consulting today and informed them via email he will be contracting with them. Ms. Keefe reminded the Board that the April 30, 2018 Board of Health meeting, the Board voted to require the owners of 41 Utility Road to conduct percolation tests and submit a proposed septic system design plan to the Board of Health with three quotes for all costs for review by the May 30, 2018 meeting. The Board asked Mr. McDonough if it is feasible to get the

percolation test and three quotes for installation by the May 30, 2018 meeting. Mr. McDonough said he will get the percolation test done but asked why he needed to provide three installer estimates if he is paying for it. Ms. Keefe said the estimates to install are needed so when the betterment program and the rules are in place, the Board can review the estimates and have a frame of reference for the cost for the homeowners' preferred installer. Ms. Keefe said that typically homeowners or engineers provide the design to multiple installers to get a cost estimate to do the work. This gives the homeowner an idea of the cost for the installation of the septic system. The Board asked Ms. Keefe if there is a waiting period for the percolation witness and to explain the process. Ms. Keefe said there is no wait for percolation witnesses and that engineers submit an application and will call the office for the percolation witness telephone numbers to schedule directly with the percolation witness. The percolation witness will call the office to ensure the percolation test was paid in advance and within several days should be available to do the percolation test. The Board asked Mr. McDonough if he was clear on what is needed by May 30, 2018. Mr. McDonough said he is aware the percolation test is needed. The Board reiterated it is not just the percolation test but also the septic system plan with one to three installer estimates due by the May 30, 2018 meeting. Ms. Keefe said the installer estimates are needed so that when the betterment program is in place the Board can determine if the McDonoughs chosen installer has provided a reasonable estimate. Ms. Keefe said the betterment program will be in place on or after July 1, 2018 and that multiple departments are working on it.

Ms. Keefe said the Board has an order in effect from the April 30, 2018 meeting. The Board asked if the McDonoughs received the certified letter from the April 30, 2018 meeting. Mr. McDonough said he was in the hospital for a week and a half and he had no way of getting his mail. Mr. McDonough said he received a certified letter and it is at his home. Ms. Keefe said she sent a certified letter on May 1, 2018 notifying the McDonoughs of the Board's decision. Ms. Keefe read the letter sent to the McDonoughs.

A motion was made and seconded with all in favor to continue the items ordered on April 30, 2018 meeting to require the owners of 41 Utility Road to conduct percolation tests and submit a proposed septic system design plan to the Board of Health with three quotes for all costs for review by May 30, 2018. If this timeline is not met, this matter will be discussed at the Board of Health meeting scheduled for June 11, 2018 and the Board of Health may initiate enforcement actions at that time.

NEW BUSINESS

Director's Report

Ms. Keefe is working on camp permitting. There are several being reviewed and she is determining if they need to be permitted under the regulations or are exempt from the permitting process.

There are several private well applications with one needing Conservation and Board of Health approval.

Ms. Keefe is permitting semi-public and public pools. Several inspections will be conducted next week so the pools can open by Memorial Day weekend.

There are four nuisance cases, which is an increase from the last meeting. There are several dumpster complaints for both private locations and establishments. Ms. Keefe is pressing those responsible to keep the rubbish under control.

Seven new septic system plans have been received in the last two weeks. There are five certificate of compliance requests; two outstanding operation and maintenance contract related repairs, and four outstanding operation and maintenance contracts, with three being new since the last meeting.

There are two septic abandonment permits and an unchanged number of known septic system failures.

Ms. Keefe is in the process of permitting seasonal mobile establishments and the next week will be very busy with permitting and inspections. There have been a high number of temporary food permit applications. Ms. Keefe said temporary permit applications are needed at least five days prior or the permit cannot be issued.

Ms. Keefe is prepping for the beach season and getting the signs out and coordinating with the laboratory.

OLD BUSINESS

None

OTHER BUSINESS

The Board reviewed the meeting minute for February 26, 2018 and March 26, 2018.

There was a motion made by Russell Clark to accept the February 26, 2018 meeting minutes and seconded by Doug Whyte with both in favor of accepting the meeting minutes.

There was a motion made by Russell Clark to accept the March 26, 2018 meeting minutes and seconded by Steven Pansey with both in favor of accepting the meeting minutes.

The administrative invoices were reviewed and approved.

ADJOURNMENT

A motion was made and seconded with all in favor at 6:27 pm.

LIST OF DOCUMENTS PRESENTED

January 3, 2018, 65 Hollett Street, signed operation and maintenance Clearwater Recovery Contract

January 3, 2018, Clearwater Recovery letter to Barbara Lydon, 65 Hollett Street

April 19, 2018, Jennifer Keefe certified letter to Barbara Lydon, 65 Hollett Street

February 27, 2018, Jennifer Keefe certified letter to Barbara Lydon, 65 Hollett Street

February 2, 2018, Jennifer Keefe certified letter to Barbara Lydon, 65 Hollett Street

October 10, 2017, Jennifer Keefe hand served letter to Jeffrey Lydon and Barbara Lydon, 65 Hollett Street

November 10, 2015, Clearwater Recovery operation and maintenance report, 65 Hollett Street

March 15, 2017, Jennifer Keefe certified letter to Jeffrey Lydon and Barbara Lydon, 65 Hollett Street

August 16, 2017 Jennifer Keefe certified letter to Jeffrey Lydon and Barbara Lydon, 65 Hollett Street

May 1, 2018, Jennifer Keefe certified letter to Thomas McDonough and Susan McDonough, 41 Utility Road

October 17, 2018 Jennifer Keefe certified letter to Thomas McDonough and Susan McDonough, 41 Utility Road

41 Utility Road Summary of correspondences and Board of Health meetings from 2014 - 2018

Board of Health Meeting Minutes from February 26, 2018 and March 26, 2018