

**Scituate Board of Health Meeting
Monday, October 30, 2017
Scituate Selectman Hearing Room
6:00 P.M.**

MEMBERS PRESENT: Mr. Doug Whyte, Chairman
Mr. Steve Pansey, BOH Member
Mr. Russel Clark, BOH Member

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

Mr. Pansey called the meeting to order at 6:01 p.m.

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

Scheduled Items:

6:00 MEETING CALLED TO ORDER/ACCEPTANCE OF AGENDA

SCHEDULED ITEMS

*Discuss/Vote: Required Septic System Operation and Maintenance Non Compliance;
Lydon; 65 Hollett Street*

Ms. Keefe noted that she received a letter today, dated October 28, 2017, from the owner of 65 Hollett Street. Although the owner indicated in the letter that she did not think the septic system blower was an important factor for the FAST septic system, she stated that she did just sign a contract with an operation and maintenance contractor for the repair for the required blower. The owner also indicated in the letter that she would not attend the meeting and was sending the letter to Ms. Keefe and the Board members instead. Ms. Keefe indicated that the contract was signed yesterday. Thus, the work has not been completed and the contractor has not submitted information indicating that the contract has been executed. Ms. Keefe will follow up with the operation and maintenance contractor to make sure the repair will be done and the contract stays in place. This property has a history of expired contracts and the office will monitor. The operation and maintenance contractors are required to send the signed contract and documentation that the repair has been completed to the Board of Health office. Ms. Keefe further noted that the operation and maintenance contractor is required to notify the Board of Health when there is an expired or terminated contract. No action taken at this time.

*Discuss/Vote: Required Septic System Operation and Maintenance Contract Non Compliance;
McLoughlin; 19 Pratt Road*

Ms. Keefe received a letter from the operation and maintenance contractor informing the Board of Health that the owners of 19 Pratt Road have not renewed their septic system contract. Ms. Keefe notified the homeowner and they were hand served by a constable on October 18, 2017, with a letter dated October 17, 2017, indicating that this matter will be discussed at the October 30, 2017 Board of Health meeting. The owners were not in attendance at the meeting. Ms. Keefe noted that there has not been an operation and maintenance contract for the septic system since July 2016. The owners were sent a letter by Ms. Keefe in May 2017 and the owners had signed for that letter. Another letter was sent in August 2017 that was returned unaccepted. Ms. Keefe noted that the owners were hand served a letter by a Constable on October 18, 2017 with the August 17, 2017 letter attached.

Ms. Keefe stated that the owners were well aware they were expected to be in attendance at the meeting and there has been no communication from them requesting a continuance

Ms. Keefe stated that this is an ongoing problem with this property. The operation and maintenance contractor sent notices to the Board of Health in 2014, again in 2015 and in 2016 indicating that the owners let their contract lapse. Ms. Keefe also stated that this address was not on the October 2, 2017 Board of Health agenda because the owner did not sign for the August 17, 2017 letter indicating that the Board would be discussing the matter at the October 2, 2017 meeting. Therefore, Ms. Keefe said that the owners were then hand served the October 17th letter on October 18, 2017. The Board asked Ms. Keefe how they should proceed and she recommended serving them with another letter informing the owners that they are noncompliant and that the Board can take action relative to condemnation or pursue in housing court. The Board confirmed that they could condemn the home. The Board noted that it is deliberate that they did not attend, since they signed for the letter indicating that their attendance was required at the meeting. Ms. Keefe noted that the Board can try one more time to have the owners appear in front of the Board. Ms. Keefe noted they have no idea if the septic system is functioning properly, since they do not have an operation and maintenance contract. The Board can have a housing code violation hearing or pursue the matter in housing court to request the court enforcement. Ms. Keefe noted that the housing court could take up to a few weeks to appear before them. Ms. Keefe noted that the Board can put in the motion directing a follow-up letter to identify the ramifications of condemning the home. The Board noted that the owners have chosen to ignore the letters and that they are well aware they have to have an operation and maintenance contract. Ms. Keefe indicated that sometimes it is an education process with the owner but not in this case. The same owners have owned this home since 2014 and each time the contract has not been renewed. The Board voted to give the owner fourteen days to have the operation and maintenance contract in place and if not, the Board will hold a meeting about condemning the property.

A motion was made and seconded with all in favor to order the owners of the septic system serving the property located at 19 Pratt Road to re-instate the required operation and maintenance contract within 21 days of this hearing and provide a signed copy of the contract to the Board of Health office upon execution. Failure to do so will result in a subsequent hearing before the Board of Health and may lead to enforcement, including possible condemnation of the property.

The Board asked Ms. Keefe how these contractors are able to service the systems. Ms. Keefe noted that these contractors are licensed and certified by the manufacturer to be a service provider. Three of these contractors consistently work in Scituate and also service system other cities and towns. These homeowners have received four notices regarding their operation and maintenance contract. The Board would like to know why it is a problem.

Discuss/Vote: Required Sewer System Connection Non Compliance for Failed Septic System; Crowley; 490 Hatherly Road

Ms. Keefe sent a letter on March 21, 2017 indicating that a review of the Board of Health files identified the septic system has been in failure since 1999 for multiply reasons: back up in the system, static level in the distribution box, overloaded leaching field, and the SAS is within the groundwater table. Ms. Keefe also noted that they are required to connect to the Town sewer system, which is available to this property. Ms. Keefe sent a letter on March 21, 2017 and gave the owners a time line of 30 days. Another letter was sent on August 17, 2017 with the March 21, 2017 letter included to remind the owners of the requirements. The owners signed for the letter on March 28, 2017, so they were aware of the requirement and if the Board of Health did not receive documentation from the Town sewer department, then it would be discussed at the October 2, 2017 meeting. Ms. Keefe has not received any documentation indicating a sewer connection has been completed. The owners chose to not attend the October 10, 2017 Board of Health meeting. Another letter dated October 2, 2017 was sent to the owners indicating that the Board was disappointed that they did not attend and the Board will discuss the matter at the October 30, 2017 meeting. The letter was signed by occupant on October 22, 2017. Ms. Keefe noted that she also attempted to have the constable hand serve a letter on October 18, 2017.

The constable indicated that the house seemed abandoned with a lock box on the door and he did not attempt to hand serve the letter. Ms. Keefe did not put them on the agenda; however, today she received the post office green card indicating that Pam Crowley signed for the registered letter with a date stamp of October 22, 2017 and another dated above it October 28, 2017.

Ms. Keefe noted that she added the property to the agenda, since she did not want the homeowners to attend the meeting and then not be able to discuss. She added it to the agenda today.

The property owners were not in attendance at the meeting. The Board wants to give them 21 days to connect to town sewer but there seems to be no one living at the property. The Board can condemn the home and make it official. Ms. Keefe noted that the bank may have taken over with no family living in the home. Ms. Keefe asked the Board to refrain from a vote at this meeting so she can do some research. She would like to see who currently owns the home, if it is the current homeowner or the bank. Ms. Keefe can send a letter if it is owned by the bank informing them that there can be no occupancy until the septic has been connected to Town sewer. A motion was made and seconded with all in favor of continuing 490 Hatherly Road septic system failure until Ms. Keefe can do research on the property and will discuss the matter further at the November 27, 2017 meeting.

NEW BUSINESS

Directors Report

Ms. Keefe informed the Board that the office is working on the 2018 permitting process and following up with the applicants regarding what is absent from permit applications.

There is one private well application received and reviewed with comments sent back to the engineer/owner for revisions. This well permit is for a property in the Minot area.

Ms. Keefe noted that there were two flu clinics this month with 40 flu vaccines given at Town Hall on Tuesday, October 17, 2017 and at the Scituate Pharmacy on Saturday, October 28, 2017.

There are nine housing cases and four nuisance cases. Ms. Keefe is monitoring five environmental releases.

There are five new septic plans received in the past week. Septic review is very busy with twelve revised plans received back last week from Ms. Keefe's comments.

There are two open operation and maintenance septic repair plans. One of these was scheduled at tonight's meeting, (65 Hollett St). Ms. Keefe is working with the operation and maintenance contractor on the other one to finalize compliance confirmation.

There are three operation and maintenance contracts still outstanding and one will be scheduled for the next Board meeting and one was supposed to be scheduled at tonight's meeting.

Ms. Keefe has updated the septic installer's exam, since the office is getting requests from installers that do not have standing permits with other towns. Some of these are contractors that build homes and want to also do the septic system construction.

There are eighteen septic systems in failure or conditionally passing their Title 5. Two of them will likely be discussed at the next Board meeting. There is one that was just installed and three have submitted plans for review.

There were nine food vendors that were permitted for the Fall for Scituate event and it was a successful day. Ms. Keefe noted that the permitting for this large event was extremely smooth with the North Scituate point of contact providing the vendors with guidance.

OLD BUSINESS

None

OTHER BUSINESS

The administrative invoices were approved.

A motion was made and seconded to approve the October 2, 2017 meeting minutes with Doug and Russell both in favor of accepting the minutes with one clarification on “asking owners to leave” (ordering to leave)

A motion was made and seconded with all in favor of accepting the October 16, 2017 meeting minutes.

ADJOURNMENT:

A motion was made and seconded with all in favor at 6:40 pm

LIST OF DOCUMENTS PRESENTED:

- 1) Copy of the certified letter dated May 10, 2017, and August 17, 2017 to Mr. Matthew McLoughlin and Ms. Erin McLoughlin.
- 2) Copy of the hand served letter dated October 17, 2017 to Mr. Matthew McLoughlin and Ms. Erin McLoughlin.
- 3) Copy of the certified letter dated March 15, 2017, and August 16, 2017 to Mr. Jeffrey Lydon and Ms. Barbara Lydon.
- 4) Copy of the hand served letter dated October 17, 2017 to Mr. Jeffrey Lydon and Ms. Barbara Lydon.
- 5) Copy of letter dated October 28, 2017 from Ms. Barbara Lydon.
- 6) Copy of the certified letter dated March 21, 2017, and August 17, 2017 to Mr. Edward Crowley and Ms. Pamela Crowley.
- 7) Copy of the letter dated October 10, 2017 to Mr. Edward Crowley and Ms. Pamela Crowley.
- 8) Board of Health Minutes for October 2, 2017 and October 16, 2017.