

Scituate Board of Health Meeting
May 15, 2017
Scituate Town Hall- Selectman's Hearing Room
6:00 P.M.

MEMBERS PRESENT: Mr. Steve Pansey, Chairman
Mr. Russell Clark, BOH Member
Mr. Douglas Whyte, BOH Member

OTHERS PRESENT: Ms. Jennifer Keefe, Director, Public Health;
Ms. Kara Tondorf & Mr. Michael Tondorf, Rivershed;
Ms. Joan Schmid, Administrative Assistant

Mr. Pansey called the meeting to order at 6:03pm

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

Scheduled Items:

Discuss/Vote: Deadline extension request from Rivershed for Grease Trap installation

Kara and Michael Tondorf, owners of the Rivershed, attended the meeting. The Tondorfs are asking for an October 15, 2017 extension from the Board of Health to build the external grease trap. Ms. Tondorf presented a quote from Morse Engineering. There is a drainage issue in the parking lot and the Tondorfs noted that this has delayed the process. They are going to partner with the landlord to get both fixed at the same time.

The Tondorfs indicated that they are not trying to reverse the Board's decision or drag their feet and they are doing their due diligence. Ms. Tondorf noted that they had three different engineers come out to the Rivershed to look at the site. The Tondorfs presented a correspondence email from an engineer that came out to the property on February 7, 2017, after the Board of Health meeting in January.

The Tondorfs noted that Morse Engineering has worked with the property and already has a survey on file, which will save the Tondorfs a few thousand dollars. Morse Engineering has indicated to them that it will be six weeks to complete the plans which will be close to the Board of Health deadline in July. This will not give the Tondorfs enough time to send out for bids to do the work. The Board asked if they had any proposals to do the work. Ms. Tondorf indicated they do not and they need the plans first from Morse Engineering before they can send out to companies to get proposals to do the work.

The Tondorfs were unaware of the process. Morse Engineering will have to get permission from the Town's Conservation Commission to get approvals and have permits in place before the work can be done. The Tondorfs did not realize the time frames associated with the permitting process.

The Board asked if they have businesses to call to do the work. Ms. Tondorf indicated that she has already done the due diligence and has companies that will do the work and hopefully they will be on board to start quickly after the plans and permits are complete.

Ms. Keefe asked if they signed a contract with Morse Engineering. Ms. Tondorf indicated that they have not and there has only been a verbal agreement with Morse Engineering to move forward. Ms. Tondorf indicated that the Tondorfs are going to be meeting with Morse Engineering this week so Morse Engineering can start the plans.

The Board asked if they get all the permits, what will be the time line for completion since there has already been a time line granted and they cannot dig in the middle of the summer.

The Board asked the Tondorfs for an end date to complete the external grease trap, since they are putting the Board in difficult situation. The Board's actions set precedence for everyone in town and everyone has circumstances. The Board sees correspondence from May 8th from Morse Engineering and this just tells the Board that nothing was done in the past five months and now the Tondorfs are asking for another five months. The Board wants to make it clear that what they do for one they have to do for another. The Board also indicated that they have already given them a number of months to complete the work and they have put the Board in a difficult position five months later. Ms. Tondorf indicated that was why she gave the Board the engineer documentation from February 7th to let the Board know that they did their due diligence. The Tondorfs indicated that there have been multiply correspondences back and forth. The Tondorfs have a goal to get the work completed by Labor Day; however, they want to stretch out the deadline to October to be sure of a completion date. There are a lot of moving parts and if someone does not do their part, then there will be a delay. The Board asked if a month is long enough to do the work. The Tondorf's indicated that they hope it is enough time or they will not be in business.

The Board indicated that the email provided tonight by the Tondorfs from the engineer who came out on February 7th is baffling. It does not make sense and has nothing to do regarding the external grease trap.

The Board made note that the Sewer Division Department noticed six to eight inches of grease in the pump station on May 10, 2017. DPW was okay with the requested extension as long as the Tondorf's, owners of the Rivershed, clean out the pump station now and right before the new external grease trap goes live. The DPW gave a quote of approximately \$1,600.00- \$1,800.00 to clean it out. One of the Board members indicated that he did not have a problem with the extension as long as the Tondorfs would clean the pump station of the grease. The Board does not want a failure in the pump station. Ms. Tondorf is not denying there is grease but wanted to suggest that they double up on what they are doing internally with their system. The Board indicated that the DPW department is concerned about the pump station. The Board indicated that the pump station was cleaned in January 2017. Ms. Keefe indicated it was cleaned just before the January 24, 2017 meeting with a combination of contractors from the Town and the Rivershed. The Board indicated that now, almost five months later, the Town has another buildup of six to eight inches of grease and whatever the methods are that the Rivershed is using for internal cleaning does not seem to be working. There is still 6-8 inches of grease in less than five months in the pump station and the busy summer season is coming up. The Board restated that DPW is okay with the extension as long as the Rivershed pays for the cleaning to maintain the pump station.

Ms. Keefe indicated that when she received the request for an extension from the Tondorfs for the Rivershed installation of the internal grease trap, she reached out to DPW to give them the information she received and to make them aware of the date of the Board of Health meeting.

The Town's Sewer Division went out to check the manhole closest to the pump station and found six to eight inches of grease. After the DPW team meeting, the DPW Director and the Superintendent of the Sewer Division informed Ms. Keefe that they were okay with the extension as long as the DPW has the pump station cleaned now and another cleaning right before the external grease trap goes online. The invoice for the cleanings would be sent to the Tondorfs, owners of Rivershed, to pay for the cost of these cleanings. This was DPW proposal for supporting the Board's granting the extension. The estimate for the cost was around \$1,800.00 for each cleaning. The Board wanted to make the Tondorfs aware of the expense for their budgeting of the work that needs to get done. The Tondorfs asked if this means it will cost them \$1,800.00 to get an extension. The Board indicated DPW gave an estimate of \$1,800.00 for each cleaning, once now and once before the external grease trap goes online. The Board indicated that they are trying to explain what DPW is recommending. The Board indicated that the DPW department can tell that the grease is coming from Rivershed. Ms. Tondorf indicated that they are having a hard time accepting without any proof. The Tondorf's indicated that they are doing things in good faith and are looking at a \$30,000-\$40,000 project for a very small sixty-six seat restaurant that they were granted a variance from the Board of Health before they purchased the restaurant. The Tondorfs don't want to put up a fight and want to comply with what the Board is asking to make things better. The Tondorfs stated they have spoken to attorneys to take this on but they don't want to do that and want to comply with the Board's requests. The plans alone will be \$4,500.00 and now they have all this extra money to have to pay. Ms. Tondorf noted they are doing everything they needed to do to get the variance when they purchased the restaurant.

Ms. Keefe noted that when the Board of Health's food inspector went out to the Rivershed in February 2017, she found grease running down the driveway. Ms. Keefe noted that things can be done better internally at the Rivershed to control and avoid some of the grease from being deposited into the sewer system. Ms. Keefe also noted that she was new to the Scituate Board of Health and appreciated the previous owners giving the evidence needed when they came to the Board requesting a variance. Ms. Keefe noted however that the grease has to be well controlled to keep that variance. Ms. Keefe indicated that there have been instances where they all looked at the manholes together with Ms. Tondorf present and have witnessed grease in the Rivershed line. It may not be all from their establishment but the Town is trying to eliminate the Rivershed from being the source. Ms. Tondorf indicated that she has not questioned that fact made by the Town but the Tondorf's are doing everything they need to do. The Board indicated that the Town is also doing everything they need to do to prove it.

Ms. Tondorf indicated that they want to comply with the Board's decision but there has been a delay with getting things done. The Board noted that the delay is causing buildup of grease in the system from the Rivershed and it's the establishment's responsibility to do their part in maintaining it and keeping it clean. Ms. Tondorf noted that they will jet their lines every two weeks but cleaning the pump station does not make sense to them since they are not the only ones discharging into that pump station. They will double up on grease trap and jet the lines until the work is completed, however, being responsible for cleaning the pump station does not make sense to them. Ms. Tondorf indicated that she has been told by two engineers that the pump station is not in the greatest shape.

Ms. Keefe indicated that whatever shape the pump station structure is in and she does not know what that is, does not change the fact that there is grease going into the pump station. The grease is either going or not going to the pump station.

Ms. Keefe noted that she has spent many visits with Ms. Tondorf to look at all of the various manholes on both lines and the manholes on the Rivershed lines had grease. The manholes in the main system receiving grease from Country Way and the Driftway did not have any grease.

Two of the engineers that Ms. Tondorf met with in February 2017 indicated that the other manhole had water gushing at such a fast rate that the pump station could not keep up with it. Ms. Tondorf indicated that this is not her forte and does not specialize in pump systems and grease but when professionals come out and give their opinion, she is relying on them.

The Board asked why the Tondorfs waited to communicate this information to the Board if this information was given to the Tondorfs right after the January 2017 meeting. Ms. Tondorf indicated that she had sent it to Ms. Keefe. The Board asked why she did not ask for another meeting at that time to request an extension. Ms. Tondorf indicated because she respected the Board's decision. The Board indicated that the email correspondence submitted at this meeting from the engineer did not address the grease. Mr. Tondorf indicated that it was just to let the Board know that they had reached out after the January 2017 meeting to do their due diligence. The Board is willing to have another engineer's opinion but this correspondence has no validation regarding grease. Mr. Tondorf indicated that most engineers have indicated that they don't need the external grease trap. Ms. Keefe asked Ms. Tondorf to have the engineer send a written document and not an email. Ms. Tondorf asked the engineer for a document three or four times and never sent it so therefore it is null and void. Ms. Keefe does remember responding to Ms. Tondorf that the email correspondence from the engineer does not address the grease issue and only the sewage and the amount of surface water (infiltration). Ms. Tondorf then reached out to another engineer that did not think it was the Rivershed's problem. They also got another quote from an engineer for \$4500 that was mostly for site work. The Tondorfs are going with Morse Engineering, since they have already done the survey work in the past and it will save them money.

The Board indicated that they would have sat and listened to what the engineer had to say but now it is so late coming to the Board. It is null and void now since it is not relating to the issue. Ms. Tondorf only brought in the correspondence at tonight's meeting to let the Board know the Tondorfs were doing their due diligence. The Tondorfs stated they are not arguing with the Board and they want to do the right thing. The Board indicated that the DPW is suggesting this to keep the sewer line clean. The Board noted that if the Rivershed jets their lines, then they are just sending the grease down the line to the pump station and that does not work. The Board indicated that the DPW department wants to keep it clean now, since they had a catastrophic failure of the pump station in the past.

Ms. Tondorf suggested since there is no proof it is all the Rivershed, would it not make sense to split the cost. The Board noted that everyone in the Town is very confident that they know that the grease is coming from the Rivershed. Ms. Tondorf noted that if they do not have a choice then they will do what they need to do because they need an extension from the July deadline previously given by the Board.

Ms. Keefe wanted to get confirmation on the schedule and the work that Morse Engineering will do with the Tondorfs and the landlord regarding the two separate issues.

Ms. Keefe is assuming the quote from Morse Engineering was six to eight weeks to get plans and Ms. Tondorf noted that she always puts in a buffer with contractors. Ms. Keefe noted that there is a holiday at the end of May, so if Ms. Keefe assumes that Morse Engineering gets the Tondorfs contract at the end of May, then it may take them eight weeks with another holiday at

beginning for July and vacations, which brings the Tondorfs to the end of July to get plans to give to contractors to bid and then a month for the Tondorfs to make a selection, which brings them to the end of August. Then there is another holiday at the beginning of September to get the work actually done. Therefore, Ms. Keefe is asking the Tondorfs if it is reasonable to request an extension to October 15th for a completion date. Ms. Tondorf indicated that she has come up with a little cushion but will have serious deadline dates with contractors and engineers. This is not something they are doing at their leisure.

The Board asked how long it will take a contractor to put in an external grease trap. The Tondorfs have indicated that because the concrete slab needs to be drilled up to get to the plumbing it will take longer and be more expensive. Mr. Tondorf indicated that this was why they requested a variance when purchasing JW Burger Bar and why they now have to do the work in combination with the landlord and drainage. Ms. Tondorf indicated that it involves a number of moving parts; plumbers, excavators, and engineers. Mr. Tondorf noted that if the work was to be done outside the restaurant they could open at night and have the work done during the day. Unfortunately, they will not be able to have that in place, so they will not be able to stay open during construction. Ms. Keefe asked if the Tondorf's had spoken to contractors that will do the work, if they have to drill under their kitchen and place it under the kitchen or be able to put the external trap outside. Ms. Tondorf noted that there is an eight foot setback from the building in the parking lot and will have to jack hammer up a portion of the kitchen floor to tie in. The Tondorfs have been told that they are required to tie in the three bay sink, the dishwasher and the prep sink. They do not have to tie in the mop sink or floor drains. The Tondorfs indicated that they will not have to jack up the entire floor and get rid of the employee bathroom. The Tondorfs have been told that in order to tie in another sink, they will have to jack up the floor and to have an external line into the grease trap. They may have to dig up a portion of the dining room. The Tondorfs have not used the mop sink and can get rid of it. The Board asked if the water and grease coming from the dishwasher cooled and settled out before going through the grease trap. Ms. Keefe noted that it does not and that is why internal grease traps are not perfect, since the hot water from the dishwasher heats up the grease and some of it is not getting trapped. Mr. Tondorf stated it emulsifies. They have a low temp dishwasher to sanitize; and therefore, the chemicals and the sanitizer clean so they don't need high temp dishwasher. Ms. Keefe notes that it is not easy on the sewer. On septic, it is easier to maintain since it is within their own system.

The Board wants to come up with a hard date of October 15th and wants to make sure that is the date. The Board noted that the owners of Rivershed will reimburse the Town after the upcoming grease cleaning of the pump station. A Board member was questioning whether to have the Tondorfs pay for the cleaning of the pump station now and prior to the external grease trap going live. Ms. Keefe noted that the DPW would have their contractor clean out the pump station and then send the invoice to the Tondorfs. One Board member noted that once it is cleaned now then with the busy summer the station will be built up again. There was build up now from January with six to eight inches of grease then there will be buildup in October. Ms. Tondorf noted that this was not a requirement before when they met with the Board. Ms. Tondorf asked if they had the work completed by the July 1st deadline would they have to clean it again prior to the grease trap going online. This is an added expense they have not anticipated.

Ms. Tondorf would like to make it right and would like to meet half way. The Board noted that the DPW is trying to work with a solution by making a recommendation for accepting an extension on a grease trap that needs to be installed. If they are not installing the grease trap then the Rivershed has to maintain the pump station with the grease build up. Mr. Tondorf noted that is DPW's way of telling the Tondorfs that they are maintaining it by cleaning it.

Ms. Keefe noted that DPW had not requested to clean the pump station prior to July 1, 2017 deadline from the previous Board of Health decision and the Tondorfs would not be responsible for cleaning the pump station again if they met that deadline.

The Board noted that if the Tondorfs were not at the meeting with a request for an extension, then they would not be paying to clean the pump station, since they would have the external grease trap in place by July 1, 2017. There are a lot of what ifs but now there is a request for an extension.

The Board questioned whether the Tondorf's should pay once or twice for cleaning of the pump station. The Board noted that the granting of the extension, which includes having the pump station cleaned twice is the DPW's recommendation to the Board of Health. The Board noted that the Board can make their own decision on the motion. Mr. Tondorf noted that if the DPW had option of only paying once, then why was the DPW's recommendation to clean it twice. Ms. Keefe noted that the DPW did not. Ms. Keefe noted that part of her job is to give the Board of Health members all options available to them to make a decision. The options Ms. Keefe presented were to not grant the extension; grant an extension with the exact option presented by DPW; and the option for the Board to think about something in the middle. Ms. Keefe noted that it is her job to give the Board all of the options and with the Board's, DPW's and the owner's opinions accounted for prior to making a motion. The DPW wanted to grant the extension with the two cleanings; one now and one in October 2017 before the external grease trap goes live. One Board member noted that if they did not request an extension then DPW would be cleaning the pump station and not invoicing the Tondorfs, so he was just recommending a motion to clean it now and not when the grease trap goes live.

It was noted that DPW thinks that in order for them to get the extension the Tondorfs should be cleaning the pump station twice.

Ms. Keefe noted that the DPW Director and Acting Sewer Supervisor did a site visit, had a meeting, and told Ms. Keefe that they are fine with granting an extension with the cleaning of one wet well in front of pump station now and before grease trap goes live. This estimate cost of \$1,800.00 was given to Ms. Keefe by DPW.

A motion was made for the Rivershed to reimburse the cleaning of the pump station immediately now and immediately prior to the operation of external grease trap.

Ms. Keefe noted that if the motion is not seconded then that motion stops and they will need to go to a different motion.

The motion was restated: The motion was made to move to grant the extension request to install an external grease trap at the Rivershed deadline to October 15, 2017, and revise as voted on at the January 23, 2017 Board of Health meeting with the following conditions. The owners will reimburse the Town for cleaning of the wet well located adjacent to the pump station now given the six to eight inches accumulation of grease observed on May 10, 2017 and again immediately prior to the operation of external grease trap. The motion was seconded with two in favor and one not.

The Tondorfs asked for a time line and if it is finished in September will they have to clean the pump station.

The Board indicated it will have less grease so it will cost them less in September to clean it. Ms. Keefe noted that the motion did not include an end date and that it will have to be cleaned again before the grease trap goes live.

Mr. Tondorf asked if they can have access to see what the DPW finds in the manholes where they discovered the grease and be there for the meetings and when the inspections are taking place and bring an independent person with them to meetings. Ms. Keefe and the Board noted that they can attend these meetings and bring person with them to the manhole inspections.

Ms. Tondorf said they are getting conflicting information. They are told if they have a low trickle it's because their lines are filled with grease. Their engineers tell them they would have a backup of grease in the restaurant if their lines were clogged with grease and they have never had a backup in the restaurant. Their water flow at noon, when no water is being used, is perfect. When the water is gushing in from the Driftway there is no way the pump station can handle the water. Ms. Tondorf noted that they hear different things. The Board would be open to hearing other opinions.

Ms. Keefe will send an email to DPW and will cc Ms. Tondorf so the Tondorfs may be present when the DPW inspects the manholes and has meetings at the site.

Ms. Keefe recapped that the Board voted 2-1 for the motion. The deadline extension was granted with two cleanings; one now and one before the grease trap goes live.

NEW BUSINESS:

Directors Report

Ms. Keefe gave an update on the following items:

- There are two private well applications. Neither of them are new since the last meeting and one has been given a permit.
- Frequently asked questions about beaches-notification to the public. The Town has done improved notification when the beaches are posted for no swimming. The flags will be using following Humarock's lead. The flag is placed on the fire department pole in Humarock and the same flag will be posted at lifeguards stands at the other beaches when staffed. There is also a big stop sign noting that there are high bacteria on this day. The Recreation Department has been a good partner, sharing the information on their Facebook page. To those who signed up for email blasts are sent to email alert. The results are posted on the Board of Health door. All of these means are used to expand the ways we notify the public. The Board asked if we will make notification on great white sharks sightings. Ms.Keefe noted that the buoys do not give real time data. There are beach signs at all the beaches notifying the public of the possibility of great white sharks in the area. Buoys are a good start and give information they are in the area. Ms. Keefe noted that off the California coast there were fifteen great whites in shore and a woman was attacked in body deep water. The office also has shark brochures.
- There are currently ten open housing cases and five outstanding nuisance cases that are not new.
- Five environmental releases and none are new.

- Four septic plans in last week and following up with eleven homeowners, whose septic system maintenance contracts have expired.
- There are thirteen septic system failures with the number coming down. One is being connected to sewer and still on the list until we get the abandonment information. One plan is in review and one system is currently being installed so we should be down to ten soon.
- Between April 4th and May 15th there were twenty eight food inspections and five re-inspections with dirty ice machines, food not stored properly, allergen certifications requirements not met, dirty shelves, shell fish tags not available, expired foods and refrigeration out of proper temperature range.

OLD BUSINESS

Discussion: Private Well Regulations - Ms. Jennifer Keefe, Director; Public Health

Ms. Keefe gave a draft packet to each Board member. There were two packages with one red lined and one clean without the red lined items. Those that were highlighted in green show the changes from the last Board meeting. Page 2 and 3 are strike outs. The Board noted that there was a strike out for the definition of irrigation well. Ms. Keefe will edit and put back in.

The Board made note on page 5, Section 4.8, regarding an existing cesspool within 50-100 feet from a private well means that the septic system could be in failure. Ms. Keefe noted that not necessarily and noted that cesspools fail if sitting in ground water. An existing well takes precedence over a septic system. One of the requirements of Title 5 inspection is to identify a private well. The well water would need to be sampled to determine if contaminated, and if the contamination was from the septic system. One of the solutions could be to remove the well and keep the septic system in place. The Board asked if it should be in the private well regulation.

Ms. Keefe noted that Section 9 completely changed. Ms. Keefe took away the inspection draft language and put in the MassDEP recommendations. All of Appendix A was revised.

Ms. Keefe noted one clarification on the very last table on page 17. Since the last meeting and after Ms. Keefe confirmed with MassDEP this recommended list is a little different and needs to be footnoted. The initial sampling is to include gross alpha screen radium and uranium. DEP recommends and what Ms. Keefe also recommends that the Board adopts, is that the initial sampling do not include the Radium or Uranium but instead only includes the gross alpha screen. If the gross alpha screen is greater than 5pci/L than you measure radium and if same gross alpha screen is greater than 15pci/L then you measure for uranium. The Board agreed with the recommendation. The Board asked what the cost would be for the sampling. Ms. Keefe noted that the estimated cost would be over \$1,000 so by taking away the initial sampling of Radium and Uranium it will save a few hundred dollars. The Board asked that all wells will be tested for Coliform Bacteria and Ms. Keefe noted that is a requirement of DEP and proposing it as a requirement of the Board in adopting the requirement.

The Board was concerned about the office knowing if there is coliform bacteria in the well system. Ms. Keefe would be able to maintain a database tracking as the office does for soft serve ice cream. The regulations being adopted indicate that the owner can install a well for irrigation or for potable use but sampling will be for drinking water for all wells. Ms. Keefe noted that Summer Street uses potable wells connected to homes for drinking. The Board asked how many she feels would pass or not pass in Scituate.

Ms. Keefe noted that it would depend on where the well is located. The Board asked about an owner coming in for variance on a well that does not pass sampling.

Ms. Keefe noted before the owner requests a variance from the Board, she would recommend that all treatment options are investigated first.

Ms. Keefe would like the Board to review the regulation and make any further recommendations and/or revisions.

Ms. Keefe handed out the old application form and the new draft application form and checklist, which are more involved than the previous revisions. The items listed would be what the owner will need for a permit and what they need for a certificate of compliance.

The Board questioned the statement, "A plan with a specified scale, signed and stamped by a Massachusetts registered professional licensed surveyor, registered sanitarian, consultant and or professional engineer..." "The Board noted that whenever you get involved with property lines it has nothing to do with professional sanitarians or consultants. When the plan shows lot line locations and description it falls in line with a professional surveyor or professional engineer. The registered sanitarians or consultants should be removed, since the Board would not know who the consultant will be and the sanitarian should not be submitting the plan. Ms. Keefe will remove the consultants and the registered sanitarians from the regulation.

The Board also asked to revise from drinking water to potable and carry it through with the application for consistency. Ms. Keefe will update and change drinking water to potable and add a note that all wells must meet sample requirements regardless of proposed use.

Ms. Keefe read the legal notice to be submitted for publication. The Board is glad this included so people will not question why the testing is needed for irrigation well use. This is important for the future that people in the town know the intent of the regulation.

The Board will let Ms. Keefe know if they have any additional changes or final comments, so they may review the final version at the May 31st meeting. The Board requested to vote and adopt in June. In advance, the legal notice will need to be published in the newspaper that adoption and voting will take place in June.

OTHER BUSINESS:

The meeting minutes for April 19, 2017 and May 1, 2017 were reviewed. A motion was made and seconded with all in favor of accepting the meeting minutes.

ADJOURNMENT:

A motion was made and seconded with all in favor. 7:27 pm.

LIST OF DOCUMENTS:

Meeting agenda

Meeting Minutes- April 19, 2017, May 1, 2017

Tondorf information

Private Wells- Draft Policy

Administrative Invoices