

**Scituate Board of Health Meeting
Monday, June 11, 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 6:11 p.m.

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

SCHEDULED ITEMS

Discuss/Vote: Septic System Design Hearing – 127 Ann Vinal Road- Morse Engineering representing homeowner request for installation of a septic system requiring local upgrades/variances

Mr. Jeff Hassett from Morse Engineering attended the meeting on behalf of the owner of 127 Ann Vinal Road. Mr. Hassett was at the last meeting and the Board continued to this meeting so the Conservation Commission could address the concerns of the abutters regarding the wetlands. Mr. Hassett informed the Board that the Conservation Commission had no issues with the plan or the wetlands. Mr. Hassett brought pictures of the property to show the property line and where the leaching field is going to be located. Mr. Hassett said the Conservation Commission wanted him to update the septic system design to include a swale along the right property line to push the water into the wetlands and they also had a question about rebuilding the deck in the front of the home. Mr. Hassett said there is a cesspool in the back of the home and in the wetland that the plumbing needs to be changed to the proposed system in the front of the house and further from the wetlands. The owner is proposing a new 1,500 gallon septic tank and a 1,000 gallon pump chamber with a small leaching field for a two bedroom home. He is requesting a variance for the septic tank from the required 10 foot setback to 7 foot setback from the property line. Ms. Keefe asked Mr. Hassett if he included the Conservation Commission items to the new septic system design plan dropped off this afternoon. Mr. Hassett said he did and pointed out the swale with the dotted lines with 3-4 inches of stone on bottom to push the water to the back of the property into the wetlands. Mr. Hassett is requesting to use a sieve analysis and local upgrades to reduce setbacks to the property lines, between the foundation and the swale and between the system and the water service, which will be sleeved.

The Board noted that the only issue they had was with the wetlands and the abutters concerns; therefore, if the Conservation Commission was satisfied with the plan then it was fine with the Board. Ms. Keefe said this was the final plan received this afternoon and confirmed the abutters were told at the last Board meeting, this property was on the agenda for today. Mr. Hassett said the Conservation Commission was last Monday and they are issuing orders.

A motion was made and seconded with all in favor to approve the plan pending receipt of satisfactory revisions based on Conservation Commission review with local upgrades requested that include: 1) Reduction in the setback between the SAS and the foundation wall from the required 20 feet to 13 feet, 2) Reduction in the setback between the SAS and the water service from the required 10 feet to 5 feet, and 3) To allow use of a sieve analysis instead of a percolation test; and with the following variances requested: 1) Reduction in the setback between the septic tank and pump chamber and the property line from the required 10 feet to 6 feet, 2) Reduction in the setback between the SAS and the property line from the required 10 feet to 7 feet.

Discuss/Vote: Non-compliance of the required septic system operation and maintenance related repairs; 65 Hollett Street; Lydon

Ms. Keefe gave the Board a packet of documents regarding 65 Hollett Street. The owner was hand served a letter dated June 4, 2018 after the May 30, 2018 Board of Health meeting at the Boards direction. Ms. Keefe read the letter to the Board, which included a potential condemnation hearing if the required repairs were not, complete by June 11, 2018. Ms. Keefe said the hand served letter was signed for the owner by her mother and, therefore, the residence was hand served. Ms. Keefe said she received notification from the current operator on June 7, 2018 the blower was ordered and should be installed as soon as it comes in and they will keep her posted. Ms. Keefe also noted the owner has failed to attend Board of Health meetings and does not call the office for any administrative assistance. The mother of the owner has signed for letters in the past and if there is no one to sign, it can be posted on the front door. The Board asked Ms. Keefe if she thinks the second company will be installing the blower. Ms. Keefe said the first operator was scheduled to do the repairs and the homeowner wanted to purchase the blower but then decided not to purchase the blower and contracted with another operator. Ms. Keefe feels it maybe just a delay tactic and she is not seeing any progress with this now going on for four years. Ms. Keefe also said at this point there could be significant damage to the septic system and one month after installing the blower, the operator will need to conduct field sampling, so it is an ongoing process.

The Board asked if Ms. Keefe has spoken to the owner and Ms. Keefe said not on this matter but on another matter. Ms. Keefe also noted that all letters she sends go unanswered. The Board said it was a lack of inactivity and unfortunately a time to move forward toward condemnation.

There was a motion made and seconded with all in favor to schedule a hearing on July 16, 2018 to determine if the dwelling at 65 Hollett Street is unfit for human habitation that may result in a condemnation order in accordance with 105 CMR 410.000, the State Sanitary Code, Chapter II should the necessary repairs to the FAST system not be completed by July 9, 2018.

Ms. Keefe said she will hand serve the owner a letter with the vote of tonight's meeting and she will continue to follow-up with the operator regarding the installation of the blower.

Regarding the previous agenda item:

At 6:24 pm the abutter of 127 Ann Vinal Road, Mr. Paul Mendes of 121 Ann Vinal Road, arrived at the meeting after the 127 Ann Vinal Road discussion. The Board noted they have already discussed and approved the proposed septic plan for 127 Ann Vinal. The Board said they made the decision and, therefore, they no longer can discuss it. Ms. Keefe noted they cannot continue to discuss 127 Ann Vinal Road, since the hearing is closed. Mr. Mendes said he would appeal the decision. Ms. Keefe told Mr. Mendes he can appeal in a court of competent jurisdiction and he would have to go to court to appeal the decision. There was no further discussion and Mr. Mendes left the meeting.

NEW BUSINESS

Discuss: Septic Betterment Program

Ms. Keefe said Mr. Clark asked to start the conversation with the terms and conditions of the betterment program. Ms. Keefe handed out copies of other towns' betterment programs and the MassDEP State guidance for the betterment program. Ms. Keefe asked the Board to review the documents and she will hopefully give some recommendations at the next meeting. Ms. Keefe is asking for the Board's assistance to review to identify what they like or not like as used by other towns. Ms. Keefe also said there are a number of other Town departments involved, including the Treasurer/Collector, Town Accountant, and Assessor, as well as the Board of Health. Ms. Keefe gave the Board specific information on the betterment program applications for the Towns of Dartmouth, Harvard, Norton, North Attleboro, Medway, Easton, Wrentham, and Middleborough.

The Board noted that the State guidance indicated a homeowner can request a loan of up to \$25,000 with up to a \$ 5,000 contingency. The Board asked what happens if the system will cost more than \$25,000, which includes percolation testing, engineering design plans, and installation. Ms. Keefe said the percolation fee for the Board of Health is \$320 and engineering fees could be around \$5,000. Ms. Keefe said she will ask the point of contact at the State if this is a guidance or maximum loan amount, since septic system costs can range from \$20,000 to \$40,000. Ms. Keefe said the Town voted for \$200,000 in capital funds for the betterment program for FY19. Ms. Keefe said the Town Treasurer/Collector determines the interest rate of 5% and become part of the owner's tax payment.

Ms. Keefe gave examples of the levels of details with several other town programs which need to be considered, including financial limitation; the home must be owner occupied and not planning on selling; and must also be the primary residence. The Board asked what if it costs \$40,000 and then the owner sells the property in two years. Ms. Keefe said she believes the loan is not transferable but will check to see if it is the State requirement , that the loan must be paid at the time of sale of the property. Ms. Keefe said she will check into the questions and will do her best to provide a draft recommendation. She asked the Board to review the State guidance and look at things they like and do not like for ongoing discussion.

Discuss: Board of Health Fee Schedule

Ms. Keefe gave the Board the fee schedule comparison spreadsheet for eleven other towns. The file is separated into tabs by town fee with fees for camps, pools, septic, perc test witness, plan fees, tobacco licensed, food, burial permits, funeral director and miscellaneous fees. It is a comparison of Scituate fees to eleven other Towns to evaluate what Scituate fees might need to be updated or revised. Ms. Keefe included columns for her suggestions on revising fees and to provide a summary of the other towns. The Board asked if all the fees go into the general fund. Ms. Keefe said everything goes into the general fund except a portion of the percolation fees, which go to the percolation witness revolving fund and the food related fees, which go into the food revolving fund. The Board asked why hair and nail salons are not permitted. Ms. Keefe said they get permitted directly by the State. The Board asked if we are losing money with the current fees with the amount of processing of paperwork. Ms. Keefe said in some instances yes and gave an example of camps, which has only a \$50 application fee but takes eight hours to review plus time to inspect. Ms. Keefe stated the general fund helps all departments. Ms. Keefe stated in some cases regulations specifically state the allowable fee. The Board does want to hurt or gouge business. Ms. Keefe said some towns charge for filing fee for Title 5 reports and Scituate just charges \$25 for a Title 5 inspector permit license and no filing fee. She said even though time

is spent reviewing Title 5 reports, she does not think Title 5 inspectors in Scituate should pay a filing fee every time they submit an inspection report, since that cost is likely transferred to the homeowner.

Ms. Keefe said she has not given the Board the food fees but she thinks the nonprofit fee should be lowered, since they are trying to raise money. However, if there is a large nonprofit event, there should be some charges since the food inspector inspects those type of events. The Board asked why there is no charge for hotels through the Board of Health since they are permitted through the Board of Selectman. Ms. Keefe said Airbnb's are not permitted, not licensed, and not regulated. Ms. Keefe said bed & breakfasts are permitted through the Board of Health for food and have annual housing inspections. She believes they are permitted through the Board of Selectman as well.

Ms. Keefe asked the Board for their feedback at the next meeting. For the next meeting, Ms. Keefe will add plan review, percolation tests and food to the spreadsheet. The Board suggested raising re-inspection fees for food, dumpster, and tobacco establishments for repeat violations.

Ms. Keefe is going to make a recommendation to increase the re-inspection fee and will bring those recommendations to the next meeting. Ms. Keefe would like to have the fees ready for the new fiscal year.

Director's Report

Ms. Keefe informed the Board she is working on a camp permit, which has taken more than eight hours to review, with an inspection also needed.

Two pools were inspected and permitted since the last meeting. There are five to be opened with two to open by the weekend.

Ms. Keefe is working on beach sampling preparation with the lab and will start sampling next Tuesday.

There are two nuisance cases with one less since the last meeting and the number of housing cases has not changed.

Ms. Keefe said they are permitting a large number of temporary food permit applications for the farmers market with six permit holders currently, and one more before this week's market. There are two more vendors since this week.

There were thirty-seven food inspections conducted between May 22nd and May 31st. The critical violations included no paper towels at the hand sink, cooler or food not at the proper temperature, ice machines dirty, improper food storage, hood out of maintenance, food not dated.

There have been two new septic plans and eight certificates of compliance requests received in the last two weeks. There are two outstanding operations and maintenance related septic repairs with one discussed at tonight's meeting. There are four outstanding operations and maintenance contracts which is unchanged since the last meeting.

There are sixteen known septic systems in failure or conditionally passing which is three less than the last meeting. Of these, five have no occupancy orders and nine are within the one year timeframe to upgrade.

OTHER BUSINESS

Administrative Invoice Approvals

The Board reviewed, approved,, and signed the administrative invoices.

ADJOURNMENT

A motion was made and seconded with all in favor. At 7:04pm

LIST OF DOCUMENTS

December 28, 2016 Title 5 report for 127 Ann Vinal Road

February 15, 2017 letter from Jennifer Keefe to Federal Home Loan Mortgage Company for 127 Ann Vinal Road

February 21, 2017 letter from Jennifer Keefe to Federal Home Loan Mortgage Company for 127 Ann Vinal Road

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

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

May 10, 2018, Rosano Davis operation and maintenance contract for 65 Hollett Street

May 23, 2018 Clearwater Recovery letter suspending operation and maintenance account for 65 Hollett Street

June 4, 2018 Jennifer Keefe hand delivered letter to Ms. Barbara Lydon, 65 Hollett Street

Community Septic Management Program Guidance Manual for The Board of Health, Massachusetts Department of Environmental Protection Division of Municipal Services

Copy of Betterment Program for Town of Easton, MA

Copy of Betterment Program for the Town of Dartmouth, MA

Copy of Betterment Program for the Town of Wrentham, MA

Copy of the Betterment Program for the Town of Norton, MA

Copy of the Betterment Program for the Town of North Attleborough, MA

Copy of the Betterment Program for the Town of Harvard, MA

Copy of the Betterment Program for the Town of Medway, MA

Copy of the Betterment Program for the Town of Middleborough, MA

Spreadsheet of Board of Health fee schedules for eleven Towns; Norwell, Cohasset, Marshfield, Hingham, Hull, Duxbury, Hanover, Milton, Weymouth, Pembroke, and Plymouth

NEW BUSINESS

Discuss: Septic Betterment Program

Ms. Keefe said Mr. Clark asked to start the conversation with the terms and conditions of the betterment program. Ms. Keefe handed out copies of other Towns betterment programs and the Mass DEP State guidance for the betterment program. Ms. Keefe asked the Board to review the documents to give some recommendations at the next meeting and she is asking for their assistance to review and see what they like or not like. Other departments are involved, the Treasure, Town Accounts Offices, Assessors, as well as the Board of Health. Ms. Keefe gave the Board specific information on the betterment program from the Towns of Norton, North Attleboro, Medway, Wrentham, Middleborough and Dartmouth.

The Board noted that the state guidance for the home owner application asks for a \$ 5,000 contingency with the loan up to \$25,000 What if the system will cost more than \$25,000 which includes percolation testing, engineering design plans and installation. Ms. Keefe said the percolation fee for the Board of Health is \$320 and engineering fees could be around \$5000. Ms. Keefe said she will ask the point of contact at the State if this is a guidance or max. Ms. Keefe said the Town voted for \$200,000 in capital funds to go into the betterment program for FY19. Ms. Keefe said the Town has decided the interest rate will be 5% and determined by the Treasure collector office which becomes part of the owner's tax payment. Ms. Keefe said the loan is not transferable and per the State requirement the loan must be paid at the time of sale of the property.

Ms. Keefe gave the levels of details with several which need to be considered including financial limitation, must be owner occupied and not planning on selling and be the primary point of residence, what if 40,000 two years sell the house. Ms. Keefe can check it out, do our best to provide a draft recommendation, paying it off before selling the house and application package, skim through the State guidance and can put it together, things like and do not like, something to look at in two short weeks, and Thanks again Russell the program was not in place in Jan, .

Discuss: Board of Health Fee Schedule

Ms. Keefe gave the Board the fee schedule comparison with other Towns, large file, separated by Towns, camp, pol, septic tab, perc test witness and plan fees.

Mis fees, tobacco license, burial permit, funeral directros. Comparison, against eleven other Towns to see where we might need to update and revise strategies.

Color coded- pools, different types of fees assoc with pools, recommended fee and type of change and range between towns,

Gernal fund- perc to per with fund, food fees to food revolving , everything into the general fund.

At the ball park or the lower range, hair dressers and hair salons permitted to the state and only state.

MS Keefe – hope work in process, review . Russel- in negative or anything we loose money on paperwork and . Camps labor intenseive \$50- 8-10 hours of review. Too low. Regulations specifically say what we are allowed to charge, on flip side towns- we charge \$25 Title 5 inspec for a year, some towns gone to a filing fee, everytime they submit an inspection, spend time reviewing them, cost being transferred to the home owner, and not something to implement here. One fee- food temporary fee for non profits, \$20 and raise we take chunk, level of detail, doing fund raiser, for group to do mission trip, overwhelming fee, one non pdrofit group giant gala, every table, 3 vendors or less, greater than 3 vendors, suggests on food next time. Permitted through BOS and do not charge them, annual inspection, no cost, one hour of time, air b&b non permitted, non licensed at state level, permitted B&B through selectman, food and housing, permitted two times a year,

Thoughts on right hand side at next meeting, feedback in advance incorporate in next time package. Plan, perc, and food, reschedule for next meeting,. Get fees by end of fiscal year, recommentations on right side,m air quality and manufacturing,

We permit as food establishment, and don't permit twice, motels and hotels, recoment no change, marners, no recommendation, hold hearings – don't file fee, repeated violations to BOH, \$1,000m reinspection fees, any repeated violations, reinspections, dumpster violations, loose permits and ability to operate, restaurant re-inspection fee, nominal fee per board, one recommendation to increase, same repeated offenders, other. Compare tobacco and housing violations and bylaw built in fees and part regulations for fees with bylaws fees. Board- dental office, medical office, -state permits

Flagged in red, . animal control office does a lot of animal for the BOH appreciate it. Red – body art, need regulations in place before we issue fees, fees are lacking. No piecing or tattoo store, Thoughts and please provide them at he next meeting and she will regive with the updates

Board- dumpster permit- wripped out house and fee at building? Just rent it and no fee for dumpster permits, at this point, The BOH hears about the ones that are left for long period of time. Not award of requirement to permit dumpsters or rewired to permit dumpsters and hear aobut nucance cases. Now taking your time, rest food could be public nucance and now fee, lump in to the food establishment., dumpster included with it, covered and if nuc every right to re-inspection fee. Food covered, construction not nusceance, the BOH had have rubbish nucances and make them remove them.

Director's Report

Ms Kefe- camp permits, 8 plus hours of work

Two new permits, 5 open and tow to omce pools

Inspected this week

Beach prep with lab comm with other dept and sample next Tuesday

Two nusc cases- one lste

Unchanged housing

Food- review- temp food permits, farmers market- 6 permit holders, and one more before thius week., two additional vendors this week,

37 food may 22-may 31 two complan

cv- no paper dirty ice machines, hood out of main, no date son food,

sep[ti]- f new pland in 8 COC requests in last two weeks, fast, keep up

two o&M one dis tonight
4 O&M iuncahnged and ned follow up
5 no occ and nine within forst yr to upgard

The Board reviewed, approved and signed the administrative invoices. Letter code, a b c d and f and post on the door,

ADJOURNMENT:

A motion was made and seconded with all in favor. At 7:04pm

LIST OF DOCUMENTS: