

**Scituate Board of Health Meeting
Monday, June 25, 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 6:04 p.m.

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

SCHEDULED ITEMS

None

NEW BUSINESS

Director's Report

Ms. Keefe reported she is permitting camps with inspections starting this week for camps opening this week.

Ms. Keefe said we are in the second week of beach sampling. She is working on various beach signs that are missing or need to be replaced. She said sampling will take place every Tuesday from third week of June through Labor Day weekend. The results are posted on Wednesdays with the Recreation Department, the Town and Board of Health websites and an email blast to those registered to receive these posts. There is also posting at beaches if a beach is not open for swimming.

Ms. Keefe said all but one swimming pool are open. Inspections will continue throughout the summer.

There are three nuisance cases and one new housing case.

Ms. Keefe said they are permitting a large number of temporary food permit applications each week and receiving Heritage Days applications. The farmers market permitting and are ongoing inspections. There are currently fourteen vendors, with there being eight more permitted than at the time of the last meeting.

Ms. Keefe reported there are several private well applications in review with one homeowner requesting a certificate of compliance and nineteen revised plans.

The Board of Health office is working on the end of the fiscal year finances with contracts, grant reports, and accounting to balance books by the end June.

Ms. Keefe has reviewed ten newly received septic as-built plans in the last week. There are three in the queue that need revisions. The office has received twelve new plans between June 8th and June 25th.

There is one less outstanding operations and maintenance contract since the last meeting, with there now being three. There are two operation and maintenance repairs still needed.

Ms. Keefe thanked Steve Pansey for his years of service to the Board of Health and his help to her through the years. The Board said he will be missed and thanked him his service.

OLD BUSINESS

Discuss: Septic Betterment Program

Ms. Keefe gave the Board a lot of information at the last meeting to go over with the State guidelines to see what they want to include as the department drafts the policy and application forms. Ms. Keefe asked the Board to provide any questions they may have.

Mr. Clark noted he did not get through the entire packet and some are very detailed and some are simple. Mr. Clark did review the Scituate betterment program packet from 1997. Ms. Keefe said the 1997 Scituate betterment program was found in the archives while looking for something else. The Board asked why the program did not continue and Ms. Keefe said the records do not indicate why it ended. Ms. Keefe said that some things in the old betterment program may be relevant and some less based on the current MassDEP guidelines. She did notice there was a ranking system with evaluation criteria for environmentally sensitive areas. Ms. Keefe indicated that other towns include a rank system and open up the application progress two times a year. The Town has a limited fund for the year and it makes sense to prioritize repairs based on proximity to environmental sensitive areas. The Board noted there is only \$200,000 and that money could go quickly so it makes sense to have it ranked to specific criteria. Assuming a system costs \$25,000, this program may only assist with eight systems in a fiscal year. The Board noted that it makes sense to have applications accepted two times a year with a ranking system to prioritize funding.

The Board asked Mr. McDonough if he was there for a reason, since he was not on the agenda. Mr. McDonough said it was a public meeting that he wanted to attend and asked if he could have a copy of the old Scituate betterment program. Mr. Pansey gave him his copy. Mr. Pansey asked Mr. McDonough if he looked at the Mass DEP betterment program guidelines on their website and Mr. McDonough said he had.

The Board asked Ms. Keefe if the MassDEP guidelines indicate that the maximum allowed was a loan of \$25,000 with an additional \$5,000 contingency. Ms. Keefe said she has it on the list of questions for the State. The Board was wondering what was the maximum amount in other towns and if they use all of their funding in one year. Mr. Clark noted the old betterment program only gave up to \$10,000 per homeowner. This was twenty years ago and with inflation the cost of materials and labor has gone up.

Ms. Keefe said the Board can use the same point system for the evaluation criteria and it is up to the Board to decide. Some towns limit it to the homeowner's primary residence. The Board asked if there is anyone still paying the betterment program from the past. Ms. Keefe said there is one still paying off the betterment from the previous program. Mr. Clark noted since the Town is in sensitive coastal area, the point system is needed and should work for environmentally sensitive areas. He would like to see the evaluation criteria used and the program used for homeowners in need in these locations.

The Board said the applications in the old program were blind evaluations. Ms. Keefe said she can give applicants numbers meaning that the Board will not have the applicant name or address to provide for an unbiased evaluation and decision.

Ms. Keefe said she will start to draft an application process looking at other towns betterment programs for the Board to review and will compile questions to ask the State, Board of Health and other Town departments.

The Board asked Ms. Keefe if she knows the average cost of a septic system. Ms. Keefe said the average system can range from \$15,000-\$45,000. Ms. Keefe noted there are different systems with new technology costing more, so it is important to review the three estimates. Ms. Keefe gave an example that if the homeowner receives three installer estimates of \$15,000, \$20,000 and \$40,000 and the homeowner picks the \$40,000 quote, the Board will be able to review why this quote was so much.

The Board asked Ms. Keefe if they can send any questions. Ms. Keefe said the Board can email or call her with what they think should be included and she will create a list. More details of the program to be discussed at the next meeting on the July 16th.

Discuss/Vote: Board of Health Fee Schedule

Ms. Keefe gave the Board the excel spread sheet with multiple fee schedules from eleven towns for comparisons. Ms. Keefe also created columns with her recommendations for fees and how they differ from the existing fees. Ms. Keefe noted the current percolation test fee is \$320 for four hours then it has to be paid up front and includes a \$40 non-refundable fee. If the time is greater than four hours, they need to pay the additional hourly rate, a process that no other town has. Each town used for comparison has a flat rate. Ms. Keefe is recommending a flat non-refundable fee of \$300 for a half day and \$600 for a full day. Mr. Clark noted that if it is over 5 minutes then it is a big hit to pay the additional four hours by paying for eight hours. Ms. Keefe said it is rare to exceed four hours. The Board said they still think it is too much. Ms. Keefe suggested doing a four, six and eight hour fee with \$300 for four hours, \$450 for up to six hours and \$600 for a full eight hour day. The Board agreed with this recommendation.

Ms. Keefe said she also recommends revising the food inspection re-inspection fee from \$75 to \$100 with a \$10 fee for not paying on time. Ms. Keefe also recommended low, middle, and high risk categories for food establishments instead of the current permitting process based on number of seats. Some will be paying more and some will be paying less with the proposed fee schedule based on risk level. Low risk includes less intensive permitting requirements and easier inspections. Some establishments in a small space and serving high risk food will be paying more.

The Board said they think the food re-inspection fee should be increased for critical violations to \$250. Ms. Keefe thought that was too high. The Board suggested an option to implement higher fee for critical violations or include a re-inspection fee for repeat violations to get owners to understand it is important. Mr. Clark noted that the violations are typically corrected within a couple of days. Mr. Pansey asked Ms. Keefe how many are not corrected on the re-inspection. Ms. Keefe said that rarely happens. The Board said that if the food inspector conducts an inspection and documents the same violation, then it should be an additional charge. The Board thinks repeated violations at food establishments should be charged because it could impact someone's health. Ms. Keefe clarified what the Board was asking and said if one or more critical violations are identified in two consecutive routine inspections, and then there is an additional critical violation fee. The Board agreed. The office will need to review reports from previous routine inspections and add the additional cost if identified in two consecutive routine inspections. The Board suggested it would not start until July, so the office can start to track the critical violations.

Ms. Keefe asked the Board to go though and look at the revisions and additions. Ms. Keefe stated there are some new fees. For instance, she is recommending an added fee for septic plan review when the same

comments are made more than once and are not addressed after the first time. Ms. Keefe stated many towns have adopted an additional fee for plan review, so the agent is not reviewing the same plan over and over again. She sends comments to the engineer to make changes and not having to resend the same comment speeds up process for all involved. She also noted it happens too frequently that not all comments are addressed on a revised plan. As a result, it takes longer to get the plan approved, since it has to go back to the engineer with the same comments multiple times. Ms. Keefe said she gives specific comments to the engineer. The Board supported adding this additional fee.

Ms. Keefe recommended eliminating the additional charges for IA technology and variance requests for septic plan review since she thinks it is overly cumbersome and it is the same level of review. Ms. Keefe said that results in a residential property fee of \$250 as opposed to a range of \$150-\$325. The average cost was \$248, so the fee will go down from \$325 to \$250 for most and will be better for the homeowner. Ms. Keefe also recommended adding a fee specific for condominiums and mixed use. She recommended a tier based on mix use and flow. Ms. Keefe said the other septic related fees are unchanged.

Ms. Keefe explained the food related fees have the biggest changes. The Board included an additional fee for re-inspection of the same critical violation. Ms. Keefe confirmed the Board is looking at a critical violation re-inspection fee. For example, if a routine inspection identifies one or more critical violations and then if three months later there is another routine inspection with at least one of the same critical violations identified, then there is a \$100 base re-inspection fee with an additional \$50 fee specifically for each repeated critical violation. It would be \$50 for each repeat critical violation. The Board said if three consecutive routine visits the same critical violation(s) is identified, then they will need to appear before the Board.

Ms. Keefe also recommended the following changes: temporary food permit application fee changed for multiday events, nonprofits temporary fee to \$10, annual catering permit and mobile food trucks from \$75 to \$100, bed and breakfast and residential kitchen permits from \$50 to \$75.

Ms. Keefe confirmed the language for the repeated critical violations and percolation tests: 1) Re-inspection fee of \$50 per repetitive critical violation documented in two consecutive routine inspections, and plus the regular fee, 2) septic percolation test change to \$300 for up to 4 hours, \$450 for up to six hours and \$600 for up to eight hours.

A motion was made and seconded with all in favor to implement the new fee schedule on July 1, 2018 with the following revisions: percolation test, \$300 half day (4 hour minimum), \$450 for up to six hours and \$600 for up to eight hours, and a re-inspection food fee of \$50 for each repetitive critical violation documented in two consecutive routine inspections plus the regular re-inspection fee.

Ms. Keefe will document the changes and get it posted to the website effective July 1, 2018. Ms. Keefe said the Board can revisit the fees to discuss if something comes up and the Board needs to address a single or multiple items on the fee schedule.

OTHER BUSINESS

Administrative Invoice Approvals- The Board reviewed and approved the administrative invoices.

Ms. Keefe said the Town was granted an emergency preparedness grant and there was unspent money and the individual communities to request additional items. Ms. Keefe put in a request to update shelter supplies of blankets, room dividers and cot replacement and the funding was granted.

Meeting Minutes, April 30, 2018, May 14, 2018, May 30, 2018

The Board reviewed and approved the April 30, 2018 and May 14, 2018 meeting minutes. The May 30, 2018 were not reviewed and tabled to next meeting.

A motion was made and seconded with all in favor of accepting the April 30, 2018 and May 14, 2018 meeting minutes.

ADJOURNMENT:

A motion was made and seconded with all in favor at 7:28pm.

LIST OF DOCUMENTS:

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

Copy of the Betterment Program for Town of Scituate, MA from 1997

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

Recommended Fee Schedule for the Town of Scituate effective July 1, 2018

Board of Health meeting minutes for April 30, 2018 and May 14, 2018