

Board of Health Meeting Minutes
September 14, 2011

The Lakeville Board of Health held a meeting on **September 14, 2011** in the Lakeville Town Office Building. Present at this meeting were Board Members Robert Poillucci, William E. Garvey and Terrence Flynn. Also present were Health Agent Lawrence Perry and Board of Health Clerk Jo Lima as Recording Secretary.

Chairman Poillucci called the meeting to order at 6:00 p.m. and noted that this meeting was being recorded by Clerk Lima and Comcast, and would be televised at a later date.

1 Violet St.

042-001-014

Federal Home Loan Mtg. Corp.

George Collins was present from Collins Engineering for discussion representing Realty Executives of New England for a septic repair. Collins stated he had some discussion with Agent Perry regarding the drinking water results. Collins stated that this house was vacant and renovations were being done. He said there was no outside spicket so he had to go inside and get his sample from the kitchen sink which was blocked up so he wasn't able to run the water as long as he typically does. The results showed traces of nitrate nitrogen. He collected another water sample from the bathtub and the results again showed traces of the same. Chairman Poillucci asked if it was a deep well or shallow well. Collins replied that it was a deep well but after more discussion it was determined that because the pump was in the house that would indicate that it was a shallow well per Member Garvey who recommended a new well be installed. Chairman Poillucci said he agreed with that because it hasn't been used for a couple of months. Member Flynn suggested maybe they could treat the whole house because the nitrates just weren't going to go away. Collins requested the following:

Local Upgrade Approval & Variance Requests:

1. 310 CMR 15.405(1)(g) to allow the proposed SAS to be a minimum of 51 feet from the private onsite well (new deep well to be installed & actual distance to be shown on as-built plan);
2. 310 CMR 15.211(1) minimum setback distance from a septic tank to a private well from 50 feet to a minimum of 41 feet.

Upon motion made by Member Garvey and seconded by Member Flynn, the Board

VOTED: To approve the variances as requested subject to a new deep well being installed within 20 feet of a road layout but not less than 10 feet from property line (not edge of pavement). Unanimous vote in favor.

Agent Perry added that he didn't think they'd be able to meet the 20 ft. setbacks because he's on a corner, and they he may need an additional variance. Member Garvey said the Board of Health could give him a variance after-the-fact. He needs to see where the well is going to fit.

13 Quail Run (Rear)

054-001-005

Shawn Donnelly

Stephen Kotowski from Webby Engineering, Inc. was present along with homeowner Shawn Donnelly. Kotowski outlined the plan for the Board stating that the property is located is on the shore of Long Pond. There is currently four acres of land which holds a residence, a seasonal cottage and a boat house down at shore. Cottage is not used as a residence and is used less than six months a year. The residence has a septic system which passed inspection, but it was a conditional pass that the cottage itself did not pass because there was cesspool. A perc test was done and the water table was high the soils were not good in that area. He had to send a sample off to be sieve tested and the results weren't good. Kotowski looked at options to try and size a

cost prohibitive system because of the use. He said what they have decided to do to bring the property into Title V compliance is to propose a seasonal tight tank. Kotowski is requesting the following:

Local Upgrade Approval Request:

1. 310 CMR 15.405(1)(g) to allow a tight tank to be only 212 feet (400' required tank setback) from a surface water supply;

Local Upgrade Approval & State presumptive approval request:

1. The use of a tight tank in lieu of leaching system under 310 CMR 15.260 for seasonal cottage ;

Upon motion made by Member Garvey and seconded by Member Flynn, the Board

VOTED: To approve the variances as requested with the stipulation that the existing water service for the existing cottage must be located and shown on the as-built plan and there shall be a deed reference indicating the existence of the tight tank and the lifetime requirement for a maintenance and inspection contract. The deed reference shall also state that the use of the cottage, serviced by the tight tank, is restricted to seasonal use only and the flow for which cannot be increased (no further expansion) beyond the existing 3 bedrooms without the written approval of the Lakeville Board of Health. Unanimous vote in favor.

New Business

Communication from the **Conservation Commission** regarding a **“Proposed Water Withdrawal By-law”** for adoption requesting written comments or recommendations from the Board of Health:

Upon motion made by Member Garvey and seconded by Member Flynn, the Board

VOTED: To send a letter to the Conservation Commission stating they do not have any issues with the Proposed Water Withdrawal By-law. Unanimous vote in favor.

A discussion was held regarding **EEE Positive Mosquito Samples** identified in area and various ball fields. Chairman Poillucci asked Agent Perry where we stood in regards to the EEE level in Lakeville. Agent Perry said we are still at moderate risk. Member Garvey said we should notify the schools and Park Department that there should be no activities after dusk at any of the outside town facilities and to put it on the website as well. For the haunted house in October, same precautions as last year where signs at entrance are posted at entrance stating that we are still under risk for EEE.

Upon motion made by Member Garvey and seconded by Member Flynn, the Board

VOTED: To notify the schools and Park Department that there should be no activities after dusk at any of the outside town facilities and to put it on the website as well. Unanimous vote in favor.

Wee Little Munchkins

26 Main Street

Stacey L. Kilburn, TR

Agent Perry notes - Background narrative from August meeting for 26 Main Street Wee Little Munchkins State dept. EEC has asked owner to get BOH approval for portable sinks recently installed at the applicant's daycare facility. The State (EEC) feels there is a risk but will accept

if BOH endorses. The State (DEP) believes it is too risky & did not recommend approval of these sinks at all however stated that utilizing bottled water, in lieu of refilling water supply bottle, would reduce the risk to acceptable though still not recommended. Plumbing Inspector & board stated it is not under plumbing code & not their jurisdiction but inspector would recommend a backflow prevention device on sink nozzle &/or refill hose. State (DPH) recommended commercially bottled water be utilized rather than refilling water supply bottle provided by manufacturer & as proposed in their submitted "procedure for filling." State DPH also recommended a written plan for cleaning of water supply hose that will be manually disconnected & re-connected upon bottle switch or refill. Board voted to allow the sinks with special bottled water license stipulating the invoices for bottled water from an approved source would need to be sent to the BOH and in addition an acceptable plan for cleaning and protection of water supply hose that would need to be disconnected and re-connected manually each time the 5 gallon bottled water jug was to be changed. Yesterday, September 13, 2011, the applicant came in to state that the 5 gallon bottled water jugs do not fit under the sink so apparently the supplied jug that came with the sinks is less than 5 gallons. The applicant has brought in some revised SOP's for both refilling the water source jug and for emptying the wastewater jug and is hoping these procedures will be acceptable to the BOH to allow them to endorse these sinks otherwise the State will most likely disallow their use and she would have to return them. She went on to say that she will most likely show up at the public meeting with endorsements from the parents of the children at the daycare in hopes of gaining the board's support despite the State's opposition in both the DPH and DEP as mentioned above.

The owner of Wee Little Munchkins, Stacey Kilburn was present for discussion accompanied by a parent of one of her students. She was requesting a certificate from the Board of Health for the use of portable sinks in her daycare facility. She said that she spoke to the W. Bridgewater Board of Health who approved another child care facility which uses the portable sinks and did not have to purchase bottled water. She submitted a petition signed by the parent awareness of the portable sinks and the use of tap water and one signed by the teachers and their awareness of the disinfecting procedure. Chairman Poillucci asked Ms. Kilburn why she decided to go with the portable sinks. She explained that each time the children needed to wash their hands, which was three times a day, that it would tie up the staff and that it was basically inconvenient and more expensive to have plumbing put in each classroom. Member Garvey asked what else was used besides the water and Ms. Kilburn said anti-bacterial soap and that there were also no cups at these sinks and they were to be used strictly for hand washing.

Upon motion made by Member Garvey and seconded by Member Flynn, the Board

VOTED: To grant the request for the use of portable sinks using tap water at the Wee Little Munchkins Day Care, providing the disinfection procedure is followed. Agent Perry will do yearly inspections. Unanimous vote in favor.

OSHA Training Course for Health Agent Perry

Upon motion made by Member Garvey and seconded by Member Flynn, the Board

VOTED: To approve fee for Health Agent Perry to attend the OSHA training course. Unanimous vote in favor.

Other Business

143 Main St.

058-003-024

Edward & Laurinda Eloma

Applicant requested a building permit signoff for finishing a basement. Property has a 45 year old cesspool. Agent Perry requested a Title V inspection in accordance with the Board of Health Policy. Applicant requested Agent Perry ask for a variance from this policy in his behalf from our policy to allow sign off and to waive the required Title V inspection that may most likely result in a failure and force an upgrade due to our local cesspool regulation. Board Members gave permission for Agent Perry to sign off on building permit.

13 Hickory Lane

043-008-017

Marvin Purdy

Bill Logan of W.R. Logan Excavating, was not present for discussion, but requested a waiver from the Board of Health policy that requires a well to be installed prior to a septic system. Existing house needs a replacement well and septic system and the contractor has requested to install the septic during or prior to the well installation.

Upon motion made by Member Garvey and seconded by Member Flynn, the Board

VOTED: To allow the installation of the septic prior to the well installation. The Certificate of Compliance will not be issued until after the well is completed. Unanimous vote in favor.

9 Woodview Dr.

015-003-078

Paul & Susan Renaud

Agent Perry's Notes - Existing 4 BR SFH that was upgraded in 1987. 1987 Perk was 2mpi sand with a water table shown to be at 7'. Proposed plan by Smith showed 6 flow diffusers & abandonment of ex. pit. A/B shows only 4 chambers went in & pit was kept as distribution box. Inspection in 1997 stated there was a real distribution box (not pit) w/4 flow diffusers & was passed with a water table of 10'. Recent inspection revealed a distribution box that divided flow to 4 flow diffusers (only 6" above water table) & to an old leach pit whose bottom was well into GW. We also recently performed a soil evaluation & perk test that yielded a 10 mpi perk rate and 5' water table. Owners feel they are victims of the previous inspector, previous installer and previous engineer & after getting an estimate from engineer for a total repair, have now requested to do what was originally permitted in 1987-which was to abandon the pit in GW & to install the other two flow diffusers that the installer failed to do (plan was not followed) at that time. I told them I did not see any way we could legally permit the installation of 2 flow diffusers only 6" above the water table, regardless of what "should have been done" years ago. They had also asked if they could simply abandon the pit that was in water table since the other would have technically passed being 6" above the GW. However since they didn't install all the diffusers as designed, the system would only have the capacity for half of the existing bedrooms, maybe even less considering they are over 20 years old. Both the engineer & the inspector called today to request I run this by the board on their client's behalf.

Homeowners were not present for discussion. There was a brief discussion where Member Garvey said that is not our fault that installer didn't do his job correctly and back then the Board of Health didn't have a health inspector so a final inspection was not done. Member Poillucci stated that their only recourse may be to find out who conducted the Title V inspection. They should have checked that when he did the inspection.

Upon motion made by Member Garvey and seconded by Member Flynn, the Board

VOTED: To deny request to utilize existing non-conforming SAS as part of repair/upgrade of system recently deemed in failure. Unanimous vote in favor.

Update and discussion on the expired failed septic systems sent to Town Counsel for guidance

Chairman Poillucci stated that Board of Health was looking to pursue legal action against two expired failed septic systems. A certified letter was sent to property owners of 16 & 20 Second Ave. by Kopelman and Paige, P.C. and there was no response by either party. Chairman Poillucci stated that his last resort was condemning the houses, before he did that he wanted to make sure that things were done properly and that the Selectmen were going to support the Board of Health and make sure that as a Board they all agreed on what should be done. Member Garvey said that the Board of Health still has to get approval on the estimated funds and just do one property at a time, beginning with the oldest one first. He said that depending on the steps and procedures that have to be followed it may be less costly to just have Health Agent Perry mirror their actions, if possible. Chairman Poillucci asked going forward, how old are the rest of the properties in non-compliance going to be before we start addressing them. Member Garvey suggested that one property at a time is handled until they have all been addressed. He said if funds run out then we stop the process for a while until more funds become available, then pick up where we left off. Chairman Poillucci said that if we are responsible to pay for the property owners to move their belongings, that the Selectmen can lien the tax money, so it's money we are going to get back eventually, with interest. He asked how many non-compliant properties we have currently, that at one time he had heard we had approximately 40. Member Garvey stated that it could be that many. Agent Perry stated he thought that there are more than two dozen.

Upon motion made by Member Garvey and seconded by Member Flynn, the Board

VOTED: To proceed with legal action against the property with the oldest failed system first. Unanimous vote in favor.

Acceptance of minutes of meeting of August 17, 2011

Upon motion made by Member Flynn with Chairman Poillucci stepping down to second and back up to vote, the Board

VOTED: To accept the meeting minutes of August 17, 2011 as typed. Unanimous vote in favor.

Continued discussion relative to "Seasonal Properties"

There was a lengthy continued discussion regarding seasonal properties. Member Garvey said he had an issue with the word "chimney" on the Draft copy and it should be removed. He said a heating system can be installed without a chimney. Further discussion continued to next meeting.

INFORMATIONAL:

Communication from Norfolk-Ram Engineering Solutions – Re: Island Terrace Nursing Home, 57 Long Point Road (070-001-002) Monthly Status Report- Norfolk Project No. 986.001.02 Task 3, dated August 2, 2011.

Vendor Warrants were signed by the Board Members.

Upon motion made by Member Garvey and seconded by Member Flynn, the Board

VOTED: To adjourn the meeting at 7:00 p.m. Unanimous vote in favor.