

MONTAGUE BOARD OF HEALTH MEETING
Wednesday, January 15, 2014 – 5:30 pm – Downstairs Meeting Room
Town Hall, One Avenue A, Turners Falls, MA

Meeting Minutes

Present: Michael Nelson, Chair, Albert (Al) Cummings, Christopher Boutwell, Gina McNeely, Director of Public Health.

Michael Nelson opened the Board of Health Meeting at 5:36 PM

Review December 18, 2013 Minutes:

Al Cummings motioned to accept the Montague Board of Health minutes for the meeting of December 18, 2013. Seconded by, Christopher Boutwell. Motion passes.

Director's Report December 2013

Al Cummings motioned to accept the Director's Report for the month of October 2013. Seconded by, Christopher Boutwell. Motion passes.

- a) 38 East Main Street (across from Carroll's Market). The building is half occupied and Gina is working with the landlord regarding a burst pipe. In the near future Gina is planning on working with Attorney Jeff Blake targeting this neglected property for receivership.
- b) 121 Turners Falls Road the property owner is ill but Gina continues to press this issue to get the property owner to comply with both the building department and board of health orders.
- c) Court date for 132 L is January 24, 2014 this is part of the receivership program.
- d) 104 3rd Street & 69 5th Street both properties are currently being worked on by their respective owners. 104 3rd Street has a new owner and 69 5th St is still owned by the Coop but there is a signed contract for repairs to be done.

Al Cummings motioned to accept the Director's Report for the month of November 2013. Seconded by, Christopher Boutwell. Motion passes.

Health Inspector Report (Carolyn Merriam) for the month of December 2013

- a) 17 and 19 G Street general debris in and around the house.
- b) 102 Avenue A has a dumpster problem has been ongoing.

Christopher Boutwell motioned to accept the Health Inspector's Report for the month of December 2013. Seconded by, Al Cummings. Motion passes.

Nurse's Report (Carolyn Merriam) for the month of December 2013

- a) Active TB case in town requires a lot of time and home visits due to the state laws regarding directly observed therapy for active TB patients.
- b) 195 lbs of sharps were collected.

Christopher Boutwell motioned to accept the Nurse's Report for the month December 2013. Seconded by, Al Cummings. Motion passes.

- Well Variance for 27 East Taylor Hill Road – Lucy Hemmendinger and Rick Roberts. They are planning an addition to the east side of their home and the proposed new addition comes within 12 feet 6 inches to the current well; the septic system is away from the current home and proposed addition. Gina McNeely and David Jensen will collaborate on the addition and the septic system capacity. There will be an addition of a bedroom to the home which adds 110 gallons a day (per bedroom) there was a Title 5 inspection done in 1998 when Lucy Hemmendinger bought the home. Gina will look at the existing system and determine if the septic system is properly sized for an additional room bedroom, if not the system will have to be upgraded.

Christopher Boutwell motioned to grant a variance from the well requirements for 27 East Taylor Hill Road for Rick Roberts and Lucy Hemmendinger. The new addition to be located on the east side of the house with a well located 12 feet 6 inches away from the foundation. Seconded by, Al Cummings. Motion passes.

Michael Nelson opened the hearing at 6:20 PM it was officially scheduled for 5:55 PM.

- Hearing: Michael John suspension or revocation of onsite waste water treatment systems installers permit in Montague.

Guest: Jeffery Blake, Town Counsel, Kopelman & Paige

Mr. John was notified via certified mail and first class in a letter dated November 27, 2013 stating that this hearing would be held as a result of an on site waste water treatment system Mr. John installed in 2013 at 87 East Taylor Hill Road, Montague, MA

The letter signed by Gina McNeely, Director of Public Health stated:

Pursuant to 310 CMR 15.019 (*Title 5*) I am requesting that the Board of Health suspend or permanently revoke your disposal system installers permit in the town of Montague for the following reasons:

- I. You failed to provide required cover (backfill) over the septic tank, distribution box, and soil absorption system (SAS). (*Gina McNeely observed and took pictures of these components*)
 - a. The septic tank has only 2” to 4” of cover over it not the required 9”. The area around the septic tank is unevenly filled exhibiting extreme lack of knowledge of proper grading standards.
 - b. The distribution box has less than 4” of cover over it not the required 9”. This exposes the box to freezing, likely resulting in backup of the system.
 - c. The SAS has been insufficiently covered. Entire SAS was not covered as required by 310 CMR 15.240(9)(10)(11). Top of SAS exhibits extreme depressions. There is inadequate depth of cover over the entire SAS.
 - d. Machinery that was too heavy for the job was driven over the SAS during backfilling as evidenced by the following:
 - i. Infiltrator end caps, when dug up, were crushed and broken.
 - ii. Infiltrators had been pushed into the sand because heavy equipment was operated on them without proper cover. This resulted in and is evidenced by the infiltrators being filled with sand (when dug up and inspected).
 - iii. Backfill material is unclean containing tailings, stones and boulders greater than 6” in diameter.

- iv. Loam was illegally removed from the site and replaced with inferior material (tailings) which was used to cover the SAS. The material was so inferior that grass would not grow in it.
2. Complete failure to provide a 3:1 slope as required in 310 CMR 15.255(2)
 - a. "Soil" (tailings) washed away on the steep slopes creating deep rivulets on slopes and decreasing already compromised breakout protection area.
3. You compromised the driveway to the east side of the house (near the shed) by driving heavy equipment over it and failed to repair it. You created a direct path for runoff from the street to flow into directly to the SAS.
4. I have determined this on site waste water treatment system is out of compliance with 310 CMR 15.000 and therefore unable to function properly. Having inspected the system prior to backfilling, I attest that fatal damage to this system occurred after the installation inspection and during backfilling. It is my determination that you have exhibited blatant disregard for requirements of state law regarding the installation of onsite waste water treatment systems and should be prevented from installing them in Montague.

Comments from Atty. Jeffrey Blake:

The hearing was originally scheduled for the December 2013 BOH meeting but was rescheduled for January 2014 as stated by Gina McNeely. Gina McNeely contacted Michael John by phone on December 17, 2013 and Michael John said he would not be attending the hearing and understood the significance of the hearing with regards to the installation at 87 East Taylor Hill Road. Gina McNeely followed up the phone call with another letter stating that the BOH would be discussing the suspension and revocation of his permit.

Christopher Boutwell motioned that the Montague Board of Health take administrative notice of the entire Board of Health file for 87 East Taylor Hill Road that is in possession of the Board of Health. Seconded by, Al Cummings. Motion passes.

Michael Nelson made a motion to close the hearing. Seconded by, Al Cummings. Motion passes.

Christopher Boutwell motioned that the septic system installers permit of Michael John of 33 Hillside Road be suspended until such time Mr. John has taken a Berkshire County Boards of Health course for installers or an equivalent course and the burden of proof will be on Mr. John that the course is equivalent. Seconded by, Al Cummings. Motion passes.

Al Cummings motioned to continue the hearing to February 19, 2014 at which time the board will vote to accept the written findings and an order for this hearing. Seconded by, Christopher Boutwell. Motion passes.

- Variance from the Body Art Regulations - Leah Caldieri for the portion of the regulations requiring Anatomy & Physiology.

Montague Board of Health Regulations include "Body Art" which includes tattooing as well as body piercing. The question is does a Tattoo Artist need to have a full year of Anatomy & Physiology to do tattooing? Leah brought her portfolio, letters of recommendation, including one from a physician, her apprenticeship documentation and

license from Vermont. Gina McNeely recommends that Leah take a skin course for tattoo artists taught at the City of Quincy Health Department located in Quincy, MA.

Another variance Leah is requesting is from having a hand washing sink for each booth and to just have one for hand washing available for the artists.

*Christopher Boutwell motioned to accept a variance from a required hand washing station at each tattoo station to a **foot operated hand washing sink** outside the tattooing area located at the old VFW building on Avenue A in Turners Falls, MA. Seconded by, Al Cummings. Motion passes.*

Christopher Boutwell motioned to add the address of 107 Avenue A as the location of the VFW building on Avenue A for Leah Caldieri's proposed business. Seconded by, Al Cummings.

Christopher Boutwell motioned to accept a variance from the Body Art Regulations requiring a full year course in Anatomy and Physiology and instead require Leah Caldieri to take the skin course for tattoo artists located at the City of Quincy Health Department, Quincy, MA Seconded by, Al Cummings. Motion passes.

Al Cummings motioned to close Board of Health Meeting. Seconded by, Christopher Boutwell. Motion passes.

Meeting adjourned: 7:00 PM

Approved by: _____

Date: _____