

**Town of Heath
Board of Health
Meeting Minutes
August 7, 2018**

PRESENT: Betsy Kovacs, Susan Gruen, Armand Clavette, Henry Godek

ALSO PRESENT: Mary Sumner BoH Clerk, Andrea Crete FRCOG Agent, Craig Gerry and Julie Sidon

Meeting was **called to order** at 4:36 pm.

1. **Reviewed agenda:** Added beaver trapping under new business; noted that Mike Freeman will not be attending meeting; owners of 612 Route 8A will attend.
2. M/S/C to accept July 5, 2018 **minutes** as presented.
3. **Chairman's Report:** Betsy briefly summarized the Zoning Bylaw typo issue and clarified how Zoning Bylaws will be enforced from now on. She sent an e-mail memo to the BoH, BoS, and the Planning Board describing the process moving forward. The Building Inspector, Jim Hawkins, enforces Zoning Bylaws on a complaint-driven basis. If the BoH has properties with zoning issues we should notify the Building Inspector. He will then pursue all follow-up and fines. Mary is compiling a list and supporting documents for several properties that have zoning issues which the BoH will no longer take responsibility for enforcing. All future properties that have zoning issues will be cc'd to the Building Inspector, the Planning Board and the BoS.
4. Mary gave a brief update on the food permits for the Heath Fair. Should finish issuing once all documents are received.
5. **Budget:** no report given.

OLD BUSINESS:

1. Reviewed the **Nurses report**; no concerns were noted.
2. **Heath Agent Enforcement Issues:**

38 Bray Road: Betsy recused herself and Henry chaired. Reviewed trash issue. A donation of a transfer station permit and stickers was given to family. Mary has more donation money available for stickers. The Orange Men's Group contributed a dumpster which was delivered on August 4th. Susan noted that it appears half full of trash. Andrea will follow up with family on how trash clean up is progressing. Mary noted that they never picked up the certified letter containing the Order to clean up trash. Andrea clarified that even though the letter was not accepted, the order exists and the BoH needs to follow progress.

Per Chairman's report above, the camper trailer and trailer issues will be forwarded to the Building Inspector. Reviewed and briefly discussed Town Bylaw regarding unregistered vehicles on property. Can be enforced by BoH or police. Will discuss further under new business.

At 5:11 pm Julie Sidon and Craig Gerry, owners of **612 Route 8A**, joined the meeting to discuss year-round occupied camper/trailer on their property. Julie reviewed the history of the two camper trailers located on their

property. One is being restored as a hobby and is not intended to be lived in. The other is being lived in year-round. BoH reviewed letter sent to them from BoH on June 20, 2018; reviewed Zoning Bylaw. Further discussion. BoH advised owners to contact the Planning Board to discuss steps for permission to retain the Air Stream camper as a hobby and not require a Temp Occ Permit. BoH will review the information presented on the camper being lived in and get back to them with next steps. Craig and Julie left the meeting.

M/S/C to suspend the BoH meeting at 5:33pm

Opened the **Public Hearing for The Regulation To Prohibit Smoking in Workplaces and Public Spaces** at 5:35pm.

No one appeared for hearing.

M/S/C to close public hearing at 5:40pm

M/S/C to adopt the Regulation to Prohibit Smoking in Workplaces and Public Spaces. Discussed posting signs. Andrea will forward information to Mary about obtaining signs for free through the Massachusetts Clearing House.

594 Route 8A: Andrea discussed property with Building Inspector. See Jim Hawkins' letter attached in which he inquired of owner about zoning issues. Although the camper/trailer is a building code issue, the BoH is concerned about the living conditions. A concern was brought to the BoH over a recent septic tank cleaning issue. Mary has not received a report of a tank cleaning but will follow up to see if one was done. Mary and Betsy will draft a letter to property owners and camper occupants for TOP and remind of 15-day occupancy limit.

444 Route 8A: BoS have a quote for the cost of final clean up, approximately \$2000. Discussion. M/S/C to draft letter to give owners 30 days to do a good faith effort to clean up rest of debris and advise that failure to do so may lead to the BoH taking action to get it cleaned up and placing a municipal lien on the property to cover the cost of the cleanup.

M/S/C to suspend the BoH meeting at 6:02pm

Opened the **Public Hearing for the Regulation To Ensure The Sanitary And Safe Operation of Marijuana Establishments and The Sale of Marijuana** at 6:03pm.

No one appeared for hearing.

M/S/C to close public hearing at 6:05 pm

M/S/C to adopt the Regulation to Ensure The Sanitary And Safe Operation of Marijuana Establishments and The Sale of Marijuana.

Resumed BoH meeting at 6:08pm

Heath Agent Enforcement Issues continued:

25 Moduc Street: Reviewed Title V done on June 5, 2018 and new owner. All set for now. Armand noted money was set aside for repair during sale. Mary will follow up with them in the Spring to ensure compliance.

Old Business continued:

3. **3 Ledges:** Cheryl Woodard could not be present. A perc test was scheduled for 8/3/18 but engineer canceled over uncertainty of payment. Betsy will follow up with owner for clarification.
4. **5 Ledges (Town owned property):** The shingles have been sampled and found to contain asbestos. The Town has received one quote for demolition and is seeking another. Still need to post a 'no trespassing' signs; Mary will buy one.
5. **15 Ledges (Danek property):** No further clean-up of property has occurred. Mary still needs to write a letter thanking him for work done and ask to have a final cleanup of remaining debris. Betsy will check with Building inspector to see conditions of demolition permit if one was issued. BoH asked Betsy to include in letter to building Inspector that from now on, demo permits should include the requirement to have rodent control measures taken prior to demo.
6. **52 Avery Brook Road:** continued noticeable effort in cleaning up property. Appears two trailers still on property. Discussed that property may have changed hands/ownership. Mary will check with assessors and report back to BoH.
7. **8 Swamp Road:** Reviewed recent history: ZBA hearing was on August 1, 2018 and request for special permit was denied. This is a Planning Board and Building Inspector issue. Property has TOP issued for one camper/trailer.
8. **435 Route 8A:** Property title in dispute. Letters were sent to all known owners informing them of need for a Title V. Have not heard from owners to date. Andrea reviewed that as the property has not changed hands, is still owned by "the Estate" a Title V not required. Mary will keep in touch with Assessors for transfer. Noted that owners bought the house trailer across street that is falling down and needs to be demolished. Mary will look up property address and ownership and get info. to Betsy to forward to Building Inspector.
9. **612 Route 8A:** Discussed. Henry will draft a letter to owners of property and of camper stating health and safety related issues and giving a deadline of November 1, 2018 for the trailer to be vacated. He will also attach a list of resources for housing.
10. **160/161 Colrain Stage Road:** reviewed the history and Building Inspector's letter (attached to minutes). Owner has applied for a TOP for both trailers since the Building Inspector determined that the "mobile home" is a camper/trailer. Mary will issue both.
11. **148 Taylor Brook Road:** Failed septic repair process is moving forward.
12. **4 Apache (Mohawk Estates lot 6):** Failed septic; owner was unaware of deadline for repair. Mary will advise owner to begin process and will send information on local engineers.
13. **Gravel Bank on Route 8A:** Andrea advised that this is a commercial property with a construction trailer; not under BoH.
14. **71 Sadoga Road:** Have not heard from owner; reviewed property. Mary will write to owners advising them about need for TOP for camper/trailer. Industrial trailer is Building Inspector issue. Unregistered vehicles is BoH or police. Will discuss further under new business.
15. **Dell Road:** Large new driveway constructed over past several months. Nothing in files for septic or well permits. Until there is a building permit application, this is not a BoH concern.
16. **157 Avery Brook Road:** Owned by George Gordon. A mailbox and house number was added to base of driveway after house could not be found during a 911 call. Concern over condition of septic on this property. It is a camp. Mary will check files and with Tax Assessor to see who owns/ed property and if it was sold or transferred and report back to the BoH.
17. **Dog poop baggies:** Mary still needs to order them.

18. **Nominations for BoH:** Still looking for a member. More names to research.

TOP Clarifications:

- a. **23 Cascade Drive:** Visiting camper question. Building Inspector to be informed for f/u.
 - b. **168 Colrain Stage Road:** Visiting camper question. Building Inspector to be informed for f/u.
 - c. **131/133 Taylor Brook Road:** Owner is removing extra campers. Building Inspector following up.
 - d. **46 Cascade Drive:** Reviewed issue. Camper present for one week visiting from Texas. M/S/C to issue a refund for TOP fee.
19. **Lot 10 Mohawk Estates** complaint: Reviewed complaint was made to DEP about hydraulic fluid having been spilled from a broken hose on a large piece of equipment. Betsy has responded to complainant. Andrea advised that it is the DEP's jurisdiction to follow up on this type of complaint, not local BoH. Betsy will inform DEP that she checked and cannot see evidence of surface contamination.

New Business:

1. **Emergency Beaver Trapping:** In response to an emergency need, Betsy a Chairman issued a 10-day permit to Highway Dept. to trap beavers on 8A due to water and dam causing damage to road. Highway Dept. is working with Conservation Commission for breaching the dam.
2. **40 Papoose Lane:** Reviewed concern about septic; reviewed Title V done on 4/19/2010; all appears to be in order.
3. **25 West Branch Road:** Reviewed owners use of camper/ trailer. Owner needs to apply for TOP and portapotty permit. BoH M/S/C to issue TOP with condition of vacating by November 1, 2018. Mary will contact owner for further information on water source; and will follow up on TOP.
4. **Trash burning:** Reviewed concern; Andrea advised that there is not a State Sanitary Code on trash burning, so nothing BoH can enforce. This is a Fire Dept. issue. Mary will let concerned party know.
5. **MEPOA beach permit;** Mary will contact applicant to get water testing results; if all seems in order OK to issue permit. Armand said he will check with MEPOA leaders to make sure testing is being done and results being sent to BoH.

Continuing Business:

1. Enforcement of Town Bylaws regarding **unregistered vehicles:** discussed the road survey BoH members conducted in the Spring. Discussed bylaws. Mary will work with Betsy to get a list of semi-tractor trailers to Building Inspector. Mary will ask Police Dept. what they have done regarding unregistered cars and will also get a copy of draft letter about unregistered cars to BoH members for review. Plan is to enforce removal of unregistered vehicles starting in September.

Next BoH Meeting: The next meeting will be on Thursday, September 13, 2018 beginning at 4:00 pm. When we have a fifth BoH member, we will determine a day and time for our monthly meetings.

Meeting Adjourned at 7:53 pm

Submitted by Mary Sumner, BoH Clerk