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## Town of Carver, Board of Health

Posted in accordance with the Provisions of M.G.L. Chapter 30A, Section 20B

Board of Health meeting minutes for April 18, 2017, Carver Town Hall, Meeting Room 3

Attendees: David Lawrence, Member; Eric Mueller, Member; Arthur Borden, Chairman

Also Present: Michael Milanoski, Town Administrator; Kevin Forgue, Health Agent;

Meeting called to order, by Mr. Borden, at 5:05 PM

### **Public Hearings:**

None

### **Health Agent's report:**

*Mr. Forgue provided a handout to the members which included fee schedule information and an Addiction Resource List.*

### **Percolation test fees:**

Mr. Forgue - I went to some area towns, Rochester, Marion, Mattapoisett, Wareham, Acushnet, Middleboro and Plymouth - I took all their fees and generated an average. The average for new construction is \$350 and repair comes in at \$215; we are currently \$200 for new construction and \$100 for repairs. I am suggesting \$300 for new construction and \$150 repairs. That is right in between. Wareham is by far the most expensive place. I don't think this increase would be out of line. Mr. Mueller - I don't think it is too much. Board suggests \$350 for new construction and \$200 for repairs.

### **Tenant complaints:**

I have been looking at other towns and talking with other agents to see where they stand on this issue. They follow in line with us; if complaint goes unaddressed, a fine for \$100 is assessed. Mr. Mueller - Every case is different and should be looked at differently. Some issues take longer to rectify. If they have to do with housing they would be more critical. Accumulation of trash issue might need 30 days. Mr. Forgue - A second offense would be a \$300 fine, along with possible court action. Mr. Milanoski - Should we build in a timeframe? Something like "You have 10 days to comply but may request additional time - up to 30 days."

### **Cesspools:**

Cesspools in the town of Carver are considered to be nonconforming systems. At the time of a property transfer all cesspools shall be upgraded to meet the standards of Title 5 and the Town of Carver Subsurface Sewage Disposal System Regulations.

Right now someone doing a title 5 inspection, if they see there is a cesspool, it can pass if it meets certain qualifications. I don't think that is right. If it is a cesspool it is probably over 30 years old and barely working. Mr. Milanoski – Is there a statute when it is transferred within the family? Mr. Forgue - Yes, we would not know if transferred within the family.

#### ***Reserve Areas:***

The utilization of a reserve area to allow a new soil absorption system to be constructed without benefit of an engineered plan will be allowed only if the existing system to be replaced is 15 years old or less and a design plan on file with the Board of Health shows a reserve area.

Mr. Forgue - Right now, if there is a plan in the inspection department that shows a reserve area. We have been allowing that reserve area to be used. The problem with that is that sometimes things changed. My thinking is that if we are going to allow this, it shouldn't be allowed for anything that is more than 15 years old and there should be a plan on record that shows a reserve area. I don't think its unreasonable to ask for it to be in there. Mr. Mueller - What if they can confirm with a test hole if they show a reserve area? Mr. Forgue - Yes, they can. Mr. Borden - That was the purpose of the reserve area. The language was that anything approved under title 5 standards, anything prior to '95, they need to start over. Mr. Forgue – Should we be requiring some sort of plan? Mr. Mueller – If they have to do the same system that was designed, at that point they would get an “as built” from an engineer. Mr. Borden – What's he certifying? Mr. Mueller – Location. Mr. Forgue – There should be a provision for an open hole inspection so I can verify the soils are consistent with the plan. Mr. Mueller - When complete they will have to have a civil engineer submit an “as built” plan.

Motion to approve changes of fees to \$350 for new construction and \$200 for repair; as well as a \$100 fine on unresolved complaints with stipulation of time frame 10 days; \$300 fine for 2<sup>nd</sup> offence, with possible court action; and to adopt cesspool changes as described: Mr. Lawrence

Second: Mr. Mueller

Approved: Unanimous (3-0)

#### ***Opioid Resource List:***

Mr. Forgue - Contact numbers for institutions involved with opioids resources. I would like to add them to Board of Health Website. Mr. Milanoski – You should add Tom Walsh, EMS, to the list.

#### ***Language to empower the Health Agent for the BOH:***

Deb is looking into it. Mr. Borden – Some towns, the agent reviews and issues the permit. Other towns, the board issues the permit. Variances are through the board. Mr. Borden – This Health Agent position should report to the Board of Health. The language was discussed at an early morning meeting last July. Hopefully, Deb will have the language for us at the next meeting.

#### **Discussion:**

##### ***Opioids Resources and Interaction with the Police and Fire Department:***

Mr. Forgue - I haven't worked on this yet. I would like to talk with them and get some ideas to see if we can do anything to help.

##### ***Number of Board Members (3 or 5):***

Mr. Mueller – We talked about changing to 5 to enable us to consistently have a quorum. The additional two members would be floating/alternate members. At least one of them would attend every meeting. Mr. Forgue - How would they end up on the board? Mr. Mueller – They would be appointed. Mr. Milanoski – The issue that we need to discuss is that the town can't go thru a lengthy period where we can't get a quorum; that is the struggle. Technically the Selectman can act as the Board of Health, but we don't want to get to that point. How do we protect the town? There are a couple of different ways. People are busy and they aren't as involved as

they once were. No matter what happens, we have to make a bylaw change. The first option is we can increase to 5 members. The second option we can keep it at 3 with 2 alternates. No matter what the solution, we have to protect the town from long periods of inactivity. Mr. Mueller – We had a case with the Zoning Board that went on for 10 months. The alternate served and this helped. Mr. Milanoski – Some permits require quick action. From the stand point of me appointing, I don't appoint; I can only nominate and the Selectmen approves. I have to act on the best interest of the town. Mr. Borden – In the twenty years that I have been here, it hasn't been a problem. Somewhere in title 5 it refers to 45 days to issue a permit; we try not to hold anything up. We have delegated so much to the Business Agent. I see the point to needing a quorum to conduct business. Mr. Milanoski - Think about it and we will put it on the agenda for the next meeting.

*Mosquito Tick Control –*

Mr. Forgue – We are already getting calls and I am referring them over. Mr. Borden – We have a "Spray to Play" policy that is triggered by what Mosquito Control tells us.

**Other Business:**

*The transfer station:*

Mr. Milanoski - I had a meeting with Wareham and Marion. In 2020, we are no longer going to have free garbage disposal. Where we have agreement with vendors they will have to start paying \$65 per ton in the future. We will have to look at sticker fees accordingly.

There are some companies that pick up a little in Carver, a little in Wareham and a lot in Plymouth, but they are telling the transfer station it's from Carver and getting it dumped for free. How many times does that slip through? I would like to put this on the agenda for next meeting. Mr. Mueller - has the town looked into acquiring our own truck? Mr. Milanoski – Marion has their own truck and DPW picks it up and they are dumping it for free. Now they are going to have to cut something from their budget to account for the charges. I don't see where money for a truck and DPW labor would be available. Mr. Milanoski - Now is the time to plan so that no one is surprised by it.

*Mr. Milanoski – departed meeting 5:40*

Mr. Lawrence reminded everyone to get out and vote this Saturday – Make sure to vote for Eric!

**Minutes – March 7, 2017:**

*Motion to approve minutes of March 7, 2017, as submitted: Mr. Lawrence*

*Second: Mr. Mueller*

*Approved: Unanimous (2-0) – Mr. Borden abstained*

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**Next meeting date:**

Our next meeting will be Tuesday, May 16, 2017 at 5:00.□

**Adjournment –**

*Motion to adjourn at 5:54 PM: Mr. Borden*

*Second: Mr. Lawrence*

*Approved: □Unanimous (3-0)*