



APPROVED
4/18/17

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 March 7, 2017, Carver Town Hall, Meeting Room 3

Attendees: David Lawrence, Member; Eric Mueller, Member

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

Meeting called to order, by Mr. Mueller at 6:00 PM

Public Hearings:

On the application of Ingeborg Callahan, requesting 2 reductions under 15.403(1) (g), as well as reductions under the local rules and regulations for a 2-bedroom dwelling, located at 46 Cedar Dr. in Carver, MA to allow an upgraded septic system on an 10,975 sf lot.

The requested reductions include:

- Installation of a soils absorption system 70' from the well on the property, instead of 100'. ☐
- Installation of a soils absorption system 55' from the well to the west, instead of 100.' ☐

Correction noted by Mr. Tinkham, this is an existing 3-bedroom. This is an update to one originally approved in 2001 and is basically identical. There is no impact on the well; ground water flows north easterly. The well was tested for a title 5 across the street and came back fine. I agree with Mr. Forgue; this should be subject to a 3-bedroom deed restriction. Mr. Forgue – What is the process for the deed restriction? The deed restriction will be drawn up by Deb and submitted. The form is in the computer and the owner will be notified. Mr. Mueller - We will need to add a filter on the outside of the septic. Cover will be raised 6" to surface.

Motion to approve application as modified for 46 Cedar Drive: Mr. Mueller

Second: Mr. Lawrence

Approved –Conditionally with restriction: Unanimous

Health Agent's report:

Percolation test fees□:

Mr. Forgue – I would like the Board to begin thinking about it. I have looked at various towns. We charge \$200 for a new perc (4 Holes) on a vacant lot. The average of other towns is \$350. For repair percs (2 holes) we charge \$100. The average of other towns is \$250. Should we consider increasing our fees? A lot of these towns have a plan review fee as well. Some towns are over the top. Wareham is \$475 for new and \$275 for repair. Mr. Mueller – this should be addressed at the next meeting. We haven't had a fee increase in 4 years. Mr. Milanoski – At that time, we did a fee increase across the Board. We want to be in the middle of the pack. Mr. Mueller - Is there a fee for submitting title 5? Mr. Forgue - No the fee is for the perc. I will put everything together for the next meeting. Mr. Mueller – Towns vary from \$5 – \$25 dollars for filing an administrative fee. Mr. Forgue – I know most of the agents in the area and will seek out information from them. Fee rates will be made as a recommendation. Mr. Milanoski –I don't believe there is a need for a public hearing. We would put it on as an agenda item with the Selectmen. They try to focus on a middle range. We don't want to be too high.

Possible candidate(s) for the Board□ (If Arthur chooses to relinquish his position):

Mr. Lawrence – I visited Art in rehab; he looks good. His spirits are good. Mr. Meuller – Has he voiced anything about staying or leaving the Board? Mr. Lawrence – No he hasn't indicated leaving.

Housing violations-procedure to follow when there is no response to an "Order to Correct":

Mr. Forgue – I have had a number of landlord and tenant issues addressed. For the most part, the issue(s) have been addressed with very good response. Every so often I have to readdress. Generally speaking, the protocol, if they don't respond, is to come before the Board and then to court. Mr. Mueller – Is there a fine? Mr. Milanoski – I think you need to have some type of ability to enforce it and I think it's

appropriate to institute some type of progressive fine structure. If they aren't working with us, then it should be handled. Mr. Mueller – we need to develop the procedures – come before Board, etc. Mr. Forgue – I currently address issues individually as some issues take longer to address. My experience so far is that there is mostly a good response. On the other end, if someone files a complaint, they want immediate action and will call daily. I'll work on setting up a structured procedure. Mr. Milanoski – maybe we should put Kevin in touch with the town council and make sure everything is ok. Mr. Mueller – reach out to Kathy in Halifax she's a good resource.

Discussion relative to Cesspools -

Mr. Forgue – I didn't realize that a title 5 with a cesspool have a passing system. I don't know of any town that allows a cesspool for passing. Mr. Mueller - No town allows a single cesspool. Plymouth doesn't allow any cesspools. Mr. Forgue – I'd like to tighten that up. No one has used cesspools in years. Mr. Mueller - A lot of these homes were summer homes. Mr. Forgue – I will put something together to address at the next meeting.

Discussion use of reserve areas -

If a reserve area is shown on the plan, it doesn't matter how old the plan, the way things are set up someone can pull a plan and set something up. Things are not the same as they were 25 years ago. Property data changes. There should be a limit as to how old something can be. I'll put something together to try and address this. Mr. Mueller – Contractors like it as there is no stall for engineering. Mr. Forgue – Ground water is done completely different now; we should at least dig a test hole. I'll put something together so we can review at the next meeting.

Inspections –

Mr. Mueller - Have we had any issues with Edaville and food inspections? Mr. Forgue – There have been no issues. I inspected toward the end of the season, after a big season/crowd, there were no issues. Mr. Milanoski – All the customer feed back is positive. I think the challenge is getting Edaville to be recognized for what it is now, not what it was. Mr. Milanoski – Regarding King Richards Faire - our Building Comm sent a memo that he has issues with people sleeping in lofts, with ladder and lofts covered in fabric. Also have some sanitary issues. Mr. Mueller – I thought there was a master bath installed? Mr. Milanoski – No, they brought in trailer Porto potties. What can they do and still stay within the rules? Mr. Mueller – Do the owners come in talk with us before the season? Mr. Milanoski – I typically want them to deal directly with Health Agent and fire department, as needed. There have been some upgrades but we may need more. Mr. Mueller – We need to calculate what is needed for facilities.

Mr. Forgue – We should have something on file. Mr. Mueller – We should be able to get a count from them. Mr. Milanoski – I don't think they do any cooking on site; it's just reheating on smoke pits.

Discussion:

Mr. Milanoski – Back in August of 2016; Ms. McCollem had some meetings in trying to look at what the future of this Board looks like. There is the whole issue of the opioids in town. This is an important issue in town. In surrounding towns, the Board of Health was taking a partnership lead or lead in town. Right now, in Carver, the police chief is working on it, the Superintendent is also working on it. What really needs to happen is beyond what you normally do, try to look at other items you can look at. Strengthening the policy; meeting structure; Marlene wanted the Board to provide policy guidance; reaching out to their Board of Health BOH departments. Mr. Mueller – We had someone come in to talk to us about some of the issues. He works with Police chief as well.

Mr. Milanoski – You have also discussed nitrogen loading. We will have the big development in North Carver, where is the balance?

Mr. Milanoski – Elected vs Appointed. One of the challenges is from the lack of meetings by this Board. If Mr. Borden is unable to come back, then we would like to get someone else on the Board. If you are appointed, and you miss 3 meetings, you could be removed and replaced. If you are elected, you are on until your term is over. We were trying to figure out if Mr. Mueller could act a Board of one but this would not work. The Board of Selectmen are not necessary qualified. Mr. Mueller – Should we bring on an alternate? Mr. Forgue – Can an alternate be appointed as opposed to elected? Mr. Milanoski – I am not sure. On certain boards we do have the option of an alternate. Mr. Mueller – can we add another member? Mr. Milanoski – The conservation Board voted for seven members. They currently only have five members which can make things difficult. The Conservation Comm will be asking to go down to five members. There are fewer people volunteering. Mr. Mueller – I pulled papers and submitted. One other person has puller papers. Mr. Milanoski – The library trustees have two open spots with no one pulling papers. NCWD – no one is running for that; the RDA no one is running for that either. Some people may want to do it but don't want to run a campaign. The combination of all of those things is why we are looking at appointed vs elected. If we move to appointed and you are currently serving as an elected Board member, you would finish your term and then you will need to seek to get appointed, if desired. The language is not meant to take any authority or responsibility from the Board of health. We as a town just want to be able to fill a seat when needed. The election for this year goes forward. Next year, there would be no election, just appointment for anyone whose term has expired. As for as the number of Board

members for this Board, I wouldn't increase Board members but you may want to add alternates. I know there has been a lot of Facebook talk but I wanted you to know why we are looking at it. The Board can't remove you as long as you are coming to the meetings. Your authority and responsibility will not change. There are more things that we would like to do. Mr. Mueller – We should be holding monthly meetings. Mr. Milanoski – pick a day of the month and be consistent. As mentioned in the July minutes it was suggested to be the third Tuesday of each month. Mr. Milanoski – would 5:00 work? Board – Yes. We can adjust later, if need be. Mr. Milanoski – This Board needs to take a look at Ms. McCollem's memo and review what is involved to go to appointed from elected. Mr. Milanoski – We need the Board for approvals so it's tough if you don't have meetings on a regular basis. We are having our next Selectman's meeting on March 21st. Please set up a meeting before then to determine how you want to proceed. Mr. Mueller – Mr. Lawrence, do you know when Art will be home? No, he's going through PT right now; I can check in with him tomorrow. Mr. Lawrence – what about voting by proxy, skype? Mr. Milanoski – you could but you need to have enough members in the meeting.

Mr. Milanoski provided a copy of Article 11, Part A: An act creating an appointed Board of Health, to the Board members.

Other Business:

Minutes – July 19, 2016 & September 20, 2016 - □

Motion to approve minutes of July 19, 2016, as submitted: Mr. Mueller

Second: Mr. Lawrence

Approved: Unanimous

Motion to approve minutes of September 20, 2016, as submitted: Mr. Mueller

Second: Mr. Mr. Lawrence

Approved: Unanimous

□

Next meeting date:

Follow up meeting from tonight's discussion – March 14, 2017 at 5:00 PM

The next monthly meeting has been scheduled for April 18, 2017 at 5:00 PM

□ Moving forward, the Board of Health will meet on the 3rd Tuesday of each month at 5:00 PM

Adjournment –

Motion to adjourn at 7:02: Mr. Mueller

Second: Mr. Lawrence

Approved: ☐ Unanimous