

**BOARD OF HEALTH
MEETING MINUTES**



Sutton Town Hall
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**TOWN OF SUTTON
REGULAR MEETING
JANUARY 23, 2018**

Meeting Location: Sutton Town Hall Meeting Room 1C

Members Present: John Silverberg, William Fredericks, Ken Malo Jr., Tammi Marois

Staff Present: Judy Bater, Cheryl Rawinski

Absent: Diane Miller

Guest/s Present: None

Call to Order: John Silverberg opened the regular meeting of the Board of Health at 7:05 PM..

Approve Minutes: Tabled

Title 5 Supplemental Regulations: John stated we have regulations that are above and beyond what the State requires and may be more than we need. The no variances for new construction for the supplemental regulation was overlooked. John reviewed Page 7 in regards to accepting hand written plans rather than only cad drawings. Ken stated only a couple of engineers submit hand written plans. Ken does not think it is necessary to not accept. Ken feels it will eventually eliminate itself. Judy said they are not rejected because of being illegible. John said we will leave it then.

Page 9 Section 27 should read Board of Health or its Agent/Engineer.

Page 10 Section 3 should we reduce – Ken and Judy said to leave as written.

Page 15 Section K1 Judy asked what Title 5 state as she believes this is stricter and she had thought Jim wanted to remove this. Ken said just go with the State on these types of offsets.

Need to look up Title 5.

Page 15 Section L2 Remove this line.

Page 15 Section L3 Judy stated other methods exist rather than green cards but do to our regulation we don't allow. John said just leave it for now.

Page 16 Section 4 Remove.

Page 16 Section 6 Change to a public meeting not hearing.

John asked all of the Board members to review further to streamline this regulation.

Local Upgrades/Variances: None

Jim Malley Local Upgrade Approvals – Review: 21 Uxbridge Road – Sieve Analysis

Old/New Business:

27 Carrier Lane – Septic Repair: Judy stated the season is closed but they did do a perc. Ken stated that not all towns shut down and they can proceed with emergencies. John will call the property owner for proof that they are moving forward. Ken stated tax credits are available.

Guinea Hens: John said everyone read the letter from the owner of the hens, Mr. Kehowski. John stated the letter is duly noted. John spoke with Cheryl MDPH Attorney, Cheryl Sbarra who stated the Board has absolute right to deem this a nuisance as her expertise is Board jurisdiction. John spoke with Brad Mitchell, Massachusetts Farm Bureau stated in regards to livestock domesticated animals there is no carve out as if there is one complaint you must respond to the complaint. If you have one cat that goes on the neighbor's property and they complain, it can be deemed a nuisance by the Board. No relief for domestic livestock animals as mentioned in the letter from Mr. Kehowski. Mr. Kehowski is currently in compliance. John feels they need to come up with a fine structure have a public hearing. Also, Brad Mitchell told John about a place in he believes a facility in Methuen would be a source for a safe home for the guinea hens. Bill stated maybe this will resolve by the time spring comes. Possibly the complainant and the Kehowski's can have some dialog and resolve this matter on their own. Bill stated again that we are complaint driven and have to respond to the complaint. He has had these hens in his yard and they are a nuisance but not enough for him to make a complaint against them but that someone did requires the Board to respond.

Department Update:

Tobacco Fine: Vapors Paradise – Sold to a minor as per WRTC (Worcester Regional Tobacco Coalition). The fine of \$100.00 has been paid.

Nuisance/Fine Schedule: John stated maybe a fine schedule will assist with this process. Give residents a chance to comply. John thought possibly, 2 order letters, 2 weeks each to comply and then one final with a 7 day notice and then a \$50.00 a day fine. Bill asked if they are prepared to enforce it and at what length. Are they prepared to bring legal into this to further pursue issues? John feels they need to have this. Tammi asked will they pay large legal fees for small fines. Bill does not like to make decisions based on one or two people. Bill asked if unpaid fines eventually have liens put on the property. Tammi stated it would be after a decision by the courts. Cheryl mentioned when the Town comes in and cleans up properties that the owners refuse to and then a lien is placed on the property but these towns typically have a fund for this purpose. John feels this is a useful tool. Judy said you could put fines will be issued at the Boards discretion. John stated the fine structure has to be determined and must hold a public hearing. John would like to have a public hearing at the end March. Cheryl stated she would research other towns fine schedules.

Review Well Regulations: John stated Judy spends an inordinate amount of time hand holding in regards to well regulations. John stated he is trying to move the onus to the property owner. Judy and Cheryl explained that our well regulations require calculations. John said maybe we do not need to test for these things. John stated not all boards of health are doing this. Judy said maybe they don't issue water supply certificates. Ken stated maybe we can have a form for the lab to fill out. Ken said he will ask the lab next time he goes for a water test. Need to come up with some ideas for a form.

Review Supplemental Title 5 Regulations:

Tabled to Review with Jim Malley:

Spa/Reflexology: Cheryl stated some towns have regulations. The State does not regulate these alternative therapies. Cheryl stated this may be worth looking into.

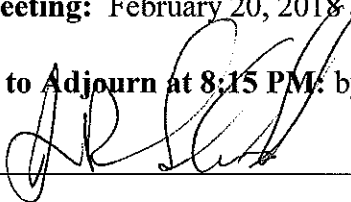
Marijuana: Cheryl stated a BOS meeting is scheduled and in February discussion sessions will be scheduled.

TCE in Water: No updates

Other Business: WELL TESTING: John asked about secondary test standards that we test for but do not require filtration John asked if we suggest that residents test for secondary contaminants but not require even the testing since we don't require them to filter. Ken feels the secondary contaminants are inexpensive and they should know what is in their water. Leave as is for now.

Next Meeting: February 20, 2018 at 7:30 PM


Motion to Adjourn at 8:15 PM: by Bill Fredericks, Seconded by Ken Malo - Unanimous - Approved.



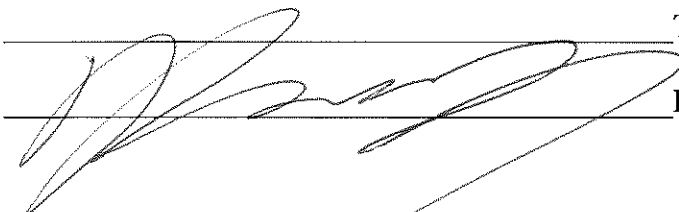
John Silverberg, Chairman



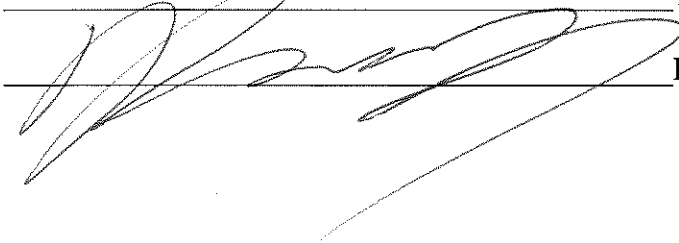
William Fredericks, Vice Chairman



Diane Miller, Member



Tammi Marois, Member



Ken Malo, Jr., Member