

Acton Board of Health – Minutes
January 13, 2003
Room 126, Town Hall



Board Members Present: William McInnis, Chairman, Mark Conoby and Roxanne Hunt

Staff Present: Doug Halley, Health Director; Brent Reagor, Health Agent, Sheryl Ball, Secretary

Others: Mary Michelman, Rosalie Berry, and George Johnston

The meeting was called to order at 7:41 p.m.

Minutes

On a motion made by Ms. Hunt, seconded by Mr. Conoby, the Board unanimously voted to accept the minutes with corrections dated December 16, 2002.

WR Grace – Scope of Work

Mr. McInnis stated that due to the tragedy that W.R. Grace suffered as a result of last weeks plane crash in North Carolina, it was decided that the hearing should be continued to the next meeting. On a motion made by Mr. Conoby, seconded by Ms. Hunt, the Board unanimously voted to continue the Public Hearing for W.R. Grace until January 27, 2003.

The Board of Health asked Mr. Halley to send a letter of condolence to WR. Grace on their behalf.

Ms. Michelman was present to ask the Board questions regarding the proposed changes to the Scope of work. Mr. Conoby stated that discussion should wait until the public hearing on January 27, 2003.

Appeal Hearing – 29 Lincoln Drive

Mr. Reis, 29 Lincoln Drive, requested that the appeal hearing in regards to the Health Departments order letter to repair his septic system be rescheduled to January 27, 2003. Mr. Reis felt that he needed more time to gather information. Mr. Halley stated that he allowed Mr. Reis to reschedule his appeal conditioned on the continuance of monitoring and maintaining his septic system.

Variance Request– 11 Long Ridge Road

The Health Department has received a request from 11 Long Ridge Road for an Article 11 -9.1 variance. Mr. Reagor explained to the Board that this site is very restrictive due to ledge, severe sloping and location of the existing driveway. The reduction in the leaching area is 5.5% from the required minimum. In order to achieve the minimum of 800 square feet there would be significant disturbance of the driveway.

On a motion made by Mr. Conoby, seconded by Ms. Hunt, the Board unanimously voted to grant a variance from Article 11 to 11 Long ridge Road with the following conditions:

1. The system is required to be pumped a minimum of once every two years.

2. The installation of a 2 compartment septic tank in lieu of the proposed single compartment.
3. The installation of a DEP approved effluent filter in the last outlet tee of the septic tank.
4. The outlet cover over the outlet tee on the septic tank is to be brought to final grade with a 24' cast iron manhole.
5. The system is built in accordance with the above stipulations and the plan stamped by Daniel Wolfe, dated 12/4/2002.

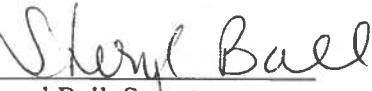
Other Business

- The Board asked Mr. Halley if Drummer Farms has contacted us regarding the denial of the Title 5 waiver. Mr. Halley stated that we have not heard from Drummer Farms.
- The Board asked Mr. Halley if the E.P.A has made a decision regarding the installation of monitoring wells. There has been no response from E.P.A. Mr. Halley stated that Derek Golden from the E.P.A. has submitted a letter to us discussing health risks.
- Mr. Halley stated that Selectmen Harting-Barrat will be coming to a future Board meeting to discuss Elder Care. It was also stated that Merrily Evdokimoff, Nursing Service Supervisor should also plan to attend a Board meeting soon, to discuss the Nursing Service's fee schedule and/or restructuring. The Board wants to make sure that the Nursing Service is receiving reimbursement that is beneficial to them and also wants to keep staff from seeking employment elsewhere.
- Mr. Halley stated that the Wastewater Treatment Plant received a notice of non-compliance due to the illegal discharge from the school. Mr. Halley stated that he is meeting with Town Counsel tomorrow to discuss the non-compliance letter from the DEP.

Adjournment

On a motion made by Mr. Conoby, seconded by Ms. Hunt, the Board unanimously voted to adjourn the meeting at 8:30 p.m.

Respectfully Submitted,


Sheryl Ball, Secretary
Acton Board of Health


William McInnis, Chairman
Acton Board of Health

Acton Board of Health – Minutes
January 27, 2003
Room 126, Town Hall

Board Members Present: William McInnis, Chairman, Mark Conoby, Robert Oliveri and Roxanne Hunt

Staff Present: Doug Halley, Health Director & Sheryl Ball, Secretary

Others: Jim Okun, Mary Michelman, Rosalie Berry, Carol Holley and Mr. & Mrs. Frank Reis.

The meeting was called to order at 7:41 p.m.

Minutes

On a motion made by Mr. Conoby, seconded by Ms. Hunt, the Board unanimously voted to accept the minutes with corrections dated January 13, 2003.

WR Grace – Scope of Work

See Court Reporter Minutes of January 27, 2003.

Article 11 – Public Hearing – Change of Wording

Mr. McInnis asked if anyone was present to speak about this hearing and asked the Board if they had any comments regarding this proposed word change. No comments were made.

On a motion made by Mr. Conoby, seconded by Mr. Oliveri, the Board unanimously voted to change the wording of Article 11-9.3 from clean bank run gravel to Title 5 Fill.

Appeal Hearing – 29 Lincoln Drive

Mr. & Mrs. Frank Reis, owners of 29 Lincoln Drive, have requested a hearing to appeal an order letter issued by the Health Department. The Health Department investigated a complaint and determined that a breakout was occurring from the system at 29 Lincoln Drive. The Health Department took a sample which was determined to have high levels of bacteria. The Health Department then sent an order letter telling the owners to rectify the problem. Since the order letter was issued it has been determined that emergent ground water is an issue and the Health Department would be in agreement to have a Title 5 inspection to determine the status of the system.

The Reis's stated that they appealed the order letter because they have never received direct evidence that it was their system that is in failure and to insure that it is properly diagnosed. The Reis's stated that the area where the sample was taken is an area that is home to a lot of animals. Mr. Reis also asked why a dye test was not performed. Mr. Conoby explained that dye may be absorbed into soil and might never appear on the surface. Mr. Reis stated that a Title 5 inspection will be conducted by ABC Cesspool tomorrow.

The Board stated that if the system passed Title 5 they would withdraw the order letter. The Board stated that if the system fails the original order letter will have to be adhered to. The Board was in agreement to modify the order letter to allow the Title 5 to be completed with the results of that test to be submitted to the Health Department. On a motion made by Mr. Conoby, seconded

by Mr. Oliveri, the Board unanimously voted to modify the original order letter to allow for the Title 5 inspection to be conducted.

Appeal Hearing- 4 Woodchester Drive

Mr. Halley stated that during a Title 5 inspection in 1997 high static levels of liquid were found in the D-Box for the property located at 4 Woodchester Drive. Mr. Reagor reviewed the file and issued an order letter to the owners of 4 Woodchester ordering them to upgrade the onsite sewage disposal system within 30 days. The property owner, Mr. Charles Benz, has requested an appeal of the order letter stating that the property has been only minimally occupied in the last few years and supplied water use records to prove the decreased usage. Mr. Benz also stated that he is also experiencing financial difficulties at this time. The Health Department recommends that a Title 5 inspection be performed and that if the system is determined to be in failure then arrangements should be made to repair or replace the system by March 31, 2003 and the owner must maintain the system during this time.

The Board stated that a Title 5 inspection should be done to determine the status of the system. The Board stated that they would be concerned that a passing Title 5 could be misleading due to decreased use of the system during the last few years. Mr. Conoby stated that we could continue the hearing to give the property owner time to show how the conditions of failure have been remedied or resolved.

On a motion made by Mr. Conoby, seconded by Mr. Oliveri, the Board unanimously voted to continue the hearing for 4 Woodchester Drive for 30 days with the condition that the property owner have the system evaluated and retested by a qualified professional witnessed by the Health Department with the Health Department evaluating the criteria to ensure that there is no breakout or any other eminent health hazard.

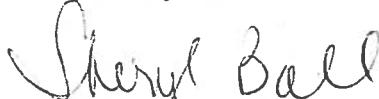
Other Business

- Mr. Halley informed the Board that Rita Dolan's husband passed away. The Board asked Mr. Halley to express their condolences.
- Mr. Halley discussed the proposed Budgets with the Board. Mr. Halley stated that if the override passes with the A Budget the Town could be looking at laying off 4 FTE's and the B budget would potentially be 8 FTE's.

Adjournment

On a motion made by Mr. Oliveri, seconded by Ms. Hunt, the Board unanimously voted to adjourn the meeting at 8:45 p.m.

Respectfully Submitted,



Sheryl Ball, Secretary
Acton Board of Health



William McInnis, Chairman
Acton Board of Health