


BOARD OF HEALTH MEETING MINUTES

JULY 28, 2020, 5:00P.M.

LOCATION: REMOTE



PRESENT: Chairperson Margie LaFleur, Member Phil Durno, Health Agent Kalene Gendron, Margaret Scarsdale of 90 Nashua Rd., Jim Yennaco of 26 Bayberry St., Marc Basti of 21 Bayberry St., Joycè Comjean of 17 Bayberry St., Mike and Lisa Beard of 32 Bayberry St., Lisa and Roy Proctor of 28 Bayberry St., Laurie Purcell of 24 Bayberry St., Sherrill Rosoff of 4 Lawrence St.; Eddie O'Rourke of 34 Bayberry St., Renee D'Argento of 18 Prospect St., Vince Premus of 43 Elm St., and Steve Themelis of 4 Franklin St.

Chairman Margie LaFleur opened the meeting at 5:00p.m. She announced that the meeting was remote participation only; meeting is being cablecast live and recorded by Pepperell Community Media.

APPOINTMENTS:

Phil Durno stated that the procedure during the start of the new fiscal year was to appoint a new Chairman. Mr. Durno recommended that Margie LaFleur continue to remain Chairman of the Board of Health. Ms. LaFleur agreed to accept the position of Chairman.

ACCEPTANCE OF MINUTES: Phil Durno motioned to approve the minutes of January 29, 2020 as written. Margie LaFleur seconded. It was voted all in favor; motion passed.

ACTION ITEMS/NEW BUSINESS:

28 Bayberry Street – Temporary Housing Request: Chairman LaFleur read letter addressed to Lisa Marie and Laroy Proctor of 28 Bayberry Street from Health Agent Kalene Gendron dated June 30, 2020. The letter stated that the BOH office was in receipt of a complaint regarding a “camper (RV), sewage odors and illegal residence.” According to the Building Department file a permit was pulled for shed in 2017, which drawings depict a 10’x10’ shed, with a 10’x25’ roof for camper and an 8’ x 25’ travel camper. Ms. Gendron performed an inspection on June 29, 2020 and observed a RV with a vent stack and exhaust unit on the roof. The State Sanitary Code, Chapter II, 105CMR410.430 states, “no temporary housing may be used except with written permission of the Board of Health. If the RV is to remain on the property, for use of habitable purposes, then Mr. and Mrs. Proctor would need to meet with the Pepperell Board of Health to obtain written approval. Failure to obtain written approval from the Pepperell Board of Health will result in an order from the Board to have the RV removed. Ms. LaFleur noted that many neighbors have expressed their concerns regard this temporary trailer enclosed in a structure.

Mr. and Mrs. Proctor indicated that their brother-in-law has been a single occupant in this trailer as he needed a place to put his trailer as well as a place to live for the past three years. Ms. LaFleur indicated that a trailer that is inhabited must require a permit; and this would only be allowed by the BOH on a temporary basis. Mr. and Mrs. Proctor stated that they were not aware

of this rule. Kalene Gendron will have to schedule an inspection of this trailer as it is occupied. Phil Durno reiterated that an occupancy permit for a trailer is only issued due to an emergency and on a temporary basis. A temporary timeframe is considered to be three months no longer. Mr. Durno stated that three years far exceeds the temporary timeframe. It was recommended that The Proctor's reach out to Community Team Work in Lowell which is an organization to help those in need of housing; as this trailer can no longer be a permanent residence.

Chairman LaFleur noted that neighbors have expressed their concerns regarding this trailer. Jim Yennaco addressed the Board with his concerns stating that there were also horses on the property and a structure was built on the property line which was not permitted and this issue had recently been corrected by the Building Inspector. Mr. Yennaco reported that he has received several complaints for Bayberry Street residents with concerns that this RV is a public nuisance and may be decreasing the property value of their homes. He expressed concerns of odors coming from the trailer that make it intolerable to use the pool area of his yard. He expressed his concerns of sewage and sanitation issues. Mike Beard then addressed the Board noting the odors coming from the RV and supporting Jim Yennaco's concerns. He asked the Board to look into the sewage and sanitation issues of this property.

Ms. LaFleur requested that Health Agent Kalene Gendron inspect the trailer to see where the discharge is going. The Proctor's agreed to schedule an inspection with Ms. Gendron. Marc Basti questioned the Board on what kind of enforcement action can be done, if the situation is not corrected. Kalene Gendron explained there were multiple layers of enforcements, including fines, they can take; but that is when the enforcement order is broken.

On a motion made by Phil Durno, seconded by Margie LaFleur it was voted all in favor that the occupant vacate the trailer within 30 days.

On a motion made by Phil Durno, seconded by Margie LaFleur it was voted all in favor that the trailer be removed from the property within two months.

Chairman LaFleur directed Mr. and Mrs. Proctor to contact Health Agent Kalene Gendron to schedule an inspection as soon as possible. Kalene noted that she will speak to the Proctor's off-line.

Health Agent Comments:

Covid-19 Updates: Health Agent Kalene Gendron informed the Board that there will be a Travel Order in effect on August 1st, 2020. Information can be found on the Department of Public Health website and posted on our town website.

There is discussions currently underway for a new Mask Regulation, Mass Regulation 105CMR316.000. This new regulation is currently not in effect but is being reviewed and should become effective very soon.

Discussions are currently underway to hold Flu Clinics in the Fall. NABH hope to hold a flu clinic in each member town. Discussions are also underway addressing Back to School Procedures.

As of July 24, 2020, the Covid-19 count is at sixty-one cases; these numbers are fairly steady and not climbing. A question was asked on the number of deaths. Kalene stated that the BOH is not made aware of Covid deaths.

Seed Packets from China: Conversations are underway regarding residents receiving seed packets from China. Residents are highly encouraged not to plant these seeds. They are possibly invasive. Further information can be obtained from the Mass. Dept. of Agriculture Resources or residents may contact the Nashoba Board of Health or Kalene at the Board of Health office.

Approve Bill Warrant:

Phil Durno made a motion to approve the bill warrant for the amount totaling \$11,860.37; reflecting the NABH June 2, 2020 Invoice for First Quarter Billing FY2021 for Nursing and Environmental Services. Margie LaFleur seconded. All in Favor.

Noise Regulation Review – Discussion:

Chairman Margie LaFleur recapped the current status of the Noise Control Bylaw; which was drafted by the LAN Committee and approved at the Special Town Meeting on October 21, 2019. The Mass. Attorney General's Office sent written approval on April 23, 2020 of Article 7 from the Pepperell Special Town Meeting. Article 7 amends the Town's general by-laws to add a new "Noise Control By-Law" for the Town of Pepperell which is now in effect.

In order for this by-law to become a regulation, the Board of Health's next step is to have a public hearing. The state requires that we post a public hearing notice in the local newspaper for two consecutive weeks prior to a Public Hearing. Various questions and discussions ensued among Board Members and present LAN Committee Members on how to have a public hearing during this Covid-19 pandemic. Logistical issues were discussed on how to accommodate a large group of people by keeping a safe social distance. A possible Go to Meeting Link or Zoom Meeting capabilities were also addressed for those residents who do not feel safe attending a large meeting in person. Ms. LaFleur clarified that the BOH must follow a protocol to adopt full regulations, despite the approved by-law. A public hearing must be conducted to allow residents to address any questions, concerns or comments. This public hearing could possibly result in amendments to the proposed regulations. The regulations should be in final draft format before being submitted to the Attorney General's office for approval.

Vince Premus referenced Section 9 of the Noise Control Bylaw that the principal enforcement agent is the Pepperell Board of Health. He noted since the By-law has recently been adopted more time may be needed for the BOH to review and determine how it stands up to the issues that may arise in the next year or two. He suggested that a public hearing at a later date may give us a better opportunity to make modifications to the proposed regulation; especially since the by-law mirrors the state standards. Health Agent Gendron noted that the town is currently

addressing a new noise complaint since the by-law is in place. Margaret Scarsdale recommended to the Board that a public hearing be conducted sooner than a year or two, as both a by-law and a regulation would provide “the belts and suspenders” approach to protection to the residents of Pepperell.

Chairman LaFleur thanked the LAN Committee for their hard work, commitment and patience. She tabled the Noise Regulation discussion and moving forward on the proposed regulation until the logistics of a public hearing can be resolved.

Title V – Supplementation Regulation Discussion: Chairman LaFleur recapped an issue the Board is currently facing when a residential property exchanges hands within a family; therefore, a Title V inspection is not required to be done. Ms. LaFleur noted that the State has exemptions on inter-family residential transfers; this exemption does not apply to business or commercial properties. Chairman LaFleur stated that the Board has been faced with an issue where a residential property has been out of compliance of the testing of their septic system. She explained that the system is technically not in failure; it just has not been inspected. This property falls under the F.A.S.T. System which requires the system to be inspected twice a year and since the property has changed hands frequently within the family an inspection has not been conducted. After several attempts and the lack of cooperation from the property owner, the Board is currently in limbo on the status of this F.A.S.T. System. Kalene Gendron has drafted an enforcement letter to the resident and at this time the Board has been unable to procure a constable to serve these papers to the resident. Renee D’Argento questioned if a lien could be put on the property as part of an enforcement mechanism. Phil Durno stated that the Board has the option of shutting down the system and therefore forcing the residents out of the property; but at this time the Board does not want to take such drastic measures. Ms. LaFleur stated that she wants to explore the possibility of loans or grants the Town could obtain and residents could use. Perhaps, this would give residents an option when they do not have the funds to make their home compliant. Ms. LaFleur and Phil Durno agreed that this is the only resident in town that has presented this problem. Mr. Durno expressed his frustration as this issue has been going on for four years; and the Board has brought this resident to court; yet to only have the transfer of ownership be given to another family member, where the procedure starts all over again. Kalene Gendron informed the Board that Clearwater was out at the property in February to do an inspection. She currently has call into their office requesting clarification and a report on what was done at that time. Ms. Gendron will inform the Board when she is able to procure the Constable to serve the property owner enforcement papers.

Landfill – Account Clarification:

Chairman LaFleur reported that the Landfill Monitoring was originally under the Board of Health budget; then it was later transferred to the Town’s budget. Currently, it is now going to be transferred back to the BOH’s budget; the Town will also transfer their funds for this. The contract for the landfill is up for renewal and it will be monitored for the next seven years, until the year 2027. Town Administrator Andrew MacLean will be reviewing bids for the monitoring of the landfill.

Review Applicants for Board of Health Vacancy:

Chairman LaFleur noted that the Board has been in receipt of two applicants; Renee D'Argento and Steve Themelis. Ms. LaFleur thanked the applicants for joining the meeting. Phil Durno stated that he had not had an opportunity to review their applications. Ms. LaFleur noted that the Board will review applications and call the applicants in for an interview at a later date; it will be a joint appointment with the Board of Selectmen for whoever the Board of Health decides to choose. Chairman thanked both candidates for their applications and for their interest in serving the Board.

Septic Upgrade Request – 18 Bemis:

The Board reviewed a request to allow the reduction in the requisite groundwater offset from 5 feet to 3 feet with use of the Presby Enviro-Septic Waste Water at 18 Bemis Road as it met the requirements for public health. On a motion from Phil Durno; it was seconded by Chairman LaFleur and voted all in favor; motion passes.

Next Meeting Date: The Board agreed to earmark a tentative date of August 18, 2020 for their next meeting to allow for school opening discussions.

ADJOURNMENT:

On a motion made by Phil Durno; seconded by Chairman LaFleur, it was voted in favor to adjourn the meeting at 6:45p.m.

Respectfully submitted by Trish DeLorey, Interim Assistant to the Board of Health