

# Town of Stoughton

## BOARD OF HEALTH MEETING MINUTES

*Andrew M. Tibbs, Chair ♦ Steven Snyder, Vice Chair ♦ Richard Parolin ♦ Ellen Epro ♦ Michael Varner*

The Stoughton Board of Health held this meeting on Thursday, September 28, 2023 at 6:00 p.m. In accordance with the Governor’s order allowing public bodies to hold open meetings in person, remotely or in a hybrid fashion and recently extended to March 31, 2025, the meeting was conducted both in person in the Engineering Department, 2nd floor - Town Hall, 10 Pearl Street, Stoughton, MA 02072 and by remote participation via Google Meets.

### **Members present:**

Mr. Andrew Tibbs, Chairman  
Mr. Steven Snyder, Vice Chair  
Mr. Richard Parolin  
Ms. Ellen Epro

**Absent:** Mr. Varner

Chairman Tibbs called the meeting to order at 6:02 p.m. and announced it is being conducted both in person and virtually. He announced the first item on the agenda as Variance / Extension requests and invited Mr. Perry to give an update.

### **I. Variance / Extension Requests**

#### **A. 1305 Washington St.- Huggard & Ewing Septic System or Sewer Install Project**

Mr. Perry told Board members that he recently received word from the applicant that they are exploring the possibility of a low pressure force main for this project. The owners have obtained signatures from businesses in the area who are on board with the project. Mr. Perry said the down side is, this will delay the project and it won’t be completed before the winter.

Mr. Greg Driscoll of JDE representing Huggard & Ewing attended virtually. Mr. Driscoll told the Board since the last meeting, he met with assistant town engineer, Craig Horsfall and Nick Dufresne, project engineer to discuss the possibility of connecting to town sewer. Because the connection would require a low pressure force main, it would also need approval of the Select Board who also serve as Sewer Commissioners.

Mr. Driscoll informed the Board he currently has the support of 8 and potentially 9 properties in the area to connect to the sewer line if the project is allowed to go forward. Mr. Driscoll said he will put together a conceptual plan for the engineering department and bring in the sewer department, with their ok he will present it to the Select Board prior to his firm moving forward with an actual design. He added, this won’t happen before the Board of Health’s next meeting.

Mr. Driscoll wanted to follow up to a question brought up at the last Board of Health meeting regarding whether vehicles are washed at the location and contributing to the waste water. He told Board members one or two cars are washed per week and the waste water doesn't go into the cesspool. He said at times they are washed at a different location. Monthly pumping has recently been set up as well.

Mr. Perry stated if there are other options for washing cars, they should use them. He recommends they don't wash any cars there because it's going into the ground water.

At this time, Mr. Driscoll shared his screen showing a map of 8 other abutting properties in the area that have signed a letter of agreement with connecting to town sewer if the applicant decides that is the best option.

Mr. Snyder asked how cars are cleaned in the winter months and if de-icing solutions are used. Mr. Driscoll replied cars are washed indoors in the winter. He recalled working in a car dealership as a teenager, washing cars with soap and water. He didn't think the practice has changed.

Chairman Tibbs welcomed other questions from the Board. Hearing none he asked for a motion.

Mr. Parolin made a motion to extend the variance to the December 2023 meeting at which time they would get an update.

Mr. Snyder seconded.

On the vote:

Ms. Epro – yes            Mr. Snyder – yes            Mr. Parolin – yes            Mr. Tibbs - yes

Mr. Tibbs said he'd be happy to see 8 additional business in the area connect to town sewer.

**B. 1156 Park Street – Kelly's Mobile Home Septic Extension Request**

Mr. Perry spoke of the letter he shared with Board members earlier today containing his comments to the latest response letter from Kelly's Trailer Park. He said the park's response was that everything has been resolved, which Mr. Perry said is not the case. Mr. Perry is in favor of engaging a third party to take charge in overseeing this project.

Ms. Epro stated Mr. Perry brought up some very good points. Mr. Perry told the Board the residents of the park are complaining now as they were informed by the owner in a letter that he'll put the cost of pumping on them. Because there is no leaching field, everything has to be pumped out.

Mr. Bill Matt, project manager, attending via telephone told the group Attorney Chip Nylen, on behalf of the mobile park is also on the telephone and will be representing the park at this meeting.

Mr. Nylen stated he has been in communication with town counsel, Brian Winner and suggested it would be helpful if Attorney Winner, Attorney Nylen and Mr. Perry met in person to try to work out the issues.

Mr. Perry explained all the items that were approved in the original plan, but were changed in the new plan. He mentioned not having been allowed to speak directly with the engineer to discuss the changes. He added his concern of the new plan not containing the certification of an engineer, but instead was reviewed by an engineer in training.

Attorney Nylen said he didn't want to get into too many technical issues for the Board's sake, but feels it would be beneficial to meet in person with town counsel and Mr. Perry.

Vice Chair Snyder suggested Mr. Perry should be allowed access to speak to the engineer. He said not doing so is holding up the project.

Attorney Nylen said that Mr. Snyder's suggestion was not helpful, and if Mr. Perry needs to speak to an engineer, Mr. Nylen will arrange it.

Mr. Parolin asked why the original plan was changed. Mr. Matt responded the company that manufactures the previously approved leaching field components in the original plan went bankrupt, or liquidated and mobile park's owner refused to use their product. He wanted something more reliable.

Mr. Parolin asked the time frame of completing this project, once the plan is approved. Mr. Matt suggested it could be done in a matter of a few weeks.

Mr. Parolin reminded the Board members of a motion passed at a previous meeting giving Mr. Perry the option to enlist a 3<sup>rd</sup> party to review the plans at the applicant's expense.

On the vote:

Mr. Parolin – yes      Ms. Epro – yes      Mr. Snyder – yes      Mr. Tibbs – yes

After further discussion, Mr. Perry reminded everyone the application has been extended monthly up to now. He stated the application for the entire project is due to expire in November, as it was initially permitted for 2 years. He said there are 2 extensions needed, one being to operate the Trailer Park with a failed cesspool, the other to extend the project

Mr. Parolin made a motion to grant the extension for one month, or the next meeting whichever comes first.

Mr. Perry wanted to confirm whether he'll be meeting with Attorney Nylen and Town Counsel and the mobile park project design engineer as Mr. Nylen suggested.

Mr. Parolin made a motion to have Mr. Perry, at his discretion, attend a meeting the engineer who designed the plan for 1156 Park St. Mr. Nylen and Town Counsel to discuss and hopefully resolve this project and any issues. Ms. Epro seconded.

Mr. Tibbs said he feels it would be helpful to move forward towards a meeting with the 2 attorneys, Mr. Perry and the project engineer. Chairman Tibbs told Attorney Nylen he expects these steps to happen quickly. Attorney Nylen said he understood.

**C. 909 Sumner Street – PAM Health grease trap project / FE Renewal extension**

Mr. Perry explained the establishment’s food permit, granted on a temporary basis is due to expire at the end of September. He recommended the Board vote on that tonight and he recommends extending it.

Mr. Tibbs invited anyone in attendance from PAM Health to come forward.

Mr. CJ Daley from the healthcare facility introduced himself, stating he respectfully requests an extension of the food permit and grease trap requirement while they continue to work toward plan designs, permits and installation. He wasn’t able to give a definite date of completion at this time.

Hearing no further discussion, Mr. Tibbs welcomed a motion.

Mr. Parolin made a motion to grant the extension to the food permit while the project is pending until December. At which time, the facility will update the Board on progress.

Vice Chair Snyder seconded the motion.

On the vote:

Ms. Epro – yes            Mr. Parolin – yes            Mr. Snyder – yes            Mr. Tibbs - yes

**II. Sanitarian Update**

**D. 150 York St. – New England Sinai Grease Trap Extension**

Mr. Perry told Board members of New England Sinai’s recent onsite meeting with assistant town engineer Craig Horsfall and town project engineer Nick Dufresne where they evaluated options for an external grease trap. They found it’s not practical for an external grease trap to come out on one side of the building and the other side of the building is very deep and inaccessible. They are working with the engineering department to explore options for additional and larger internal grease interceptors which will function better than what they have now. The engineering department feels they may have a case for a variance, considering the limitations of the site. Since it is connected to town sewer, it will be up to the engineering department to approve a variance.

Mr. Ray Palmer of New England Sinai was in attendance virtually. He told the group of having just received details of a proposed internal tank from their engineer. He hadn’t had time to review it completely, but gave brief details of what he received.

Ms. Epro asked if it was intended to be a patch. The response was, no, it would be permanent.

Mr. Tibbs reminded all of the Board’s previous decision to have Mr. Perry oversee the maintenance of the internal interceptor. If it meets with his approval, he could grant an extension of up to four months. Mr. Tibbs said if Mr. Perry is comfortable with the way things are being maintained, it should continue. It was decided to allow New England Sinai’s extension through December 2023.

**III. Policy Update Discussion**

#### **A. Cesspool Automatic Failure Reg. RE: Park St. Sewer Project**

Mr. Perry explained to the Board that current regulations restrict residents to apply for a betterment loan only when their system is in failure. At this time, it only happens upon transfer of property. Mr. Perry suggested cesspools should be allowed to be deemed in failure to protect public health, not only when the property is transferred.

Mr. Tibbs asked if someone could create a list of when it would be prudent to deem a cesspool in failure.

Mr. Perry suggested the wording “only at time of transfer” be removed from current regulations.

Mr. Snyder asked if there was a way to find out how many properties in town currently have cesspools. Mr. Perry replied the way we often find out is when someone applies for a permit and there isn’t any information, or only very old documents.

Mr. Tibbs asked Mr. Perry to put together a document containing alternate conditions to find a cesspool in failure, or conditions that would require a Title V inspection.

#### **B. Food Grading System (continued from 1/23/2020) in relation to New Online Permitting System**

Mr. Parolin told the Board of his recent meeting with Mr. Leahy and Mr. Perry to discuss a grading system. He suggested assigning letter grades to restaurants according to how they measure up to Board of Health inspections. He gave examples as; “A” being the best and “C” when there are issues. Mr. Parolin was also in favor of making it costlier when re-inspections are needed due to violations.

Mr. Tibbs said this would result in raising Board of Health fees. Mr. Leahy mentioned the Town currently has departments working on raising fees.

The group discussed a grading system and how it would work with the current inspection software. The Board of Health staff and inspectors are still adapting to the reports from the software.

Mr. Tibbs suggested they continue to research this topic and discuss it again on the next agenda.

Mr. Perry spoke of information he shared with the Board members in regard to the types of inspections. He said if it’s a very long re-inspection, it takes more time and the inspectors are actually losing money. In such instances, the business should be charged for the additional costs.

Mr. Tibbs said along with continuing to research this topic, he will put together a mock up and fee schedule for the next meeting.

#### **IV. COVID -19 update**

Mr. Tibbs mentioned a lot of people are coming down with Covid again. He went over the symptoms as headache and cold symptom. Mr. Tibbs said the new vaccine is available and he recommends everyone take it. He said the government is offering free Covid tests again.

Mr. Perry questioned what the period of immunity is if a person already gets Covid. Mr. Tibbs replied possibly a few months.

**V. Correspondence**

Mr. Parolin made a motion to approve the minutes of August 24, 2023 with any corrections or deletions. Ms. Epro seconded.

On the vote:

Ms. Epro – yes            Mr. Snyder – yes            Mr. Parolin – yes            Mr. Tibbs - yes

**VI. Continuances**

A. No updates at this time

Mr. Parolin made a motion to adjourn. Ms. Epro seconded.

On the vote:

Ms. Epro – yes            Mr. Snyder – yes            Mr. Parolin-yes            Mr. Tibbs- yes

Meeting adjourned at 7:31 p.m.

**Documents used during the meeting:**

1. Letter (10 pages) from Lynch, DeSimone & Nysten, LLP, Attorneys at Law to Members of the Board of Health and Attorney Brian Winner
2. Board of Health Minutes of August 24, 2023

Board of Health Minutes of August 24, 2023 approved September 28, 2023