

MINUTES OF THE BOARD OF HEALTH MEETING

April 13, 2009

The meeting convened at 10:05 AM. Present were Chairman Louis Fazen, III, Members Nancy A. Sacco and Richard H. Seder, Public Health Director Paul C. Pisinski, Public Health Nurse Leslie Chamberlin, Sanitary Inspector Dennis Costello and Administrative Assistant Barbara M. Luther.

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| TOPIC | Members were briefed on the agenda and any scheduled appointments |
| BRIEFING | Mr. Pisinski explained that the tenant from 188 Cordaville has requested a hearing of the Board of Health. The unresolved issue of tenant's expectation, landlord's repairs and the requirements of State Sanitary Code regarding Minimum Standards of Fitness for Human Habitation was already on the agenda before the tenant's request to be heard. Mr. Costello briefed the members on conversation he has had with Department of Public Health, Division of Sanitation's Mr. Paul Huffman regarding some disputed issues i.e. tenant complaints, landlord repairs and Sanitary Code Chap. 2 requirements met and unmet. |

PETITIONS/PUBLIC HEARINGS

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| TOPIC | Request for Legal Counsel assistance on two Items: 188 Cordaville Rd., Housing Court 225 Turnpike Rd., Deposition |
| DISCUSSION | Mr. Costello explained the process of inspections using the State Minimum Standards for Human Habitation, repair orders, serving landlords with the orders, and attempting to assist both tenant and landlord to come to a mutually agreeable resolution which also meets the code. He and Mr. Pisinski suggested that it might be a good idea to authorize either one of them to take particular cases to Housing Court without coming before the board members prior to beginning the process. It was explained to the board that this request was being made because all too often tenants and landlords will not agree with housing inspection results, and Housing Court is needed to enforce or accept compliance. However, the members decided that they want to be apprised of the findings and actions taken before Housing Court is involved. Regarding 225 Turnpike Rd., the board members were advised that Town Counsel has been consulted regarding a deposition request made to Mr. Pisinski and is advising him regarding his action. Town Counsel will attempt to keep Mr. Pisinski from having to provide Deposition unless a court so orders. |
| ACTION | Board voted unanimously to have all housing complaints come before them prior to involving Worcester Housing Court. |
| PENDING | |

HEARING/PETITIONS

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| TOPIC | 11:00 AM – 188 Cordaville Rd. Housing Complaint (James & Susanne Opinsky, Et. Al.) |
| DISCUSSION | Only Mr. Opinsky attended to address the Board regarding his concerns with the house at 188 Cordaville Rd., of which he and his family are tenants. Before Mr. Opinsky's concerns were addressed, it was explained to him that the Board of |

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| | <p>Health is required to enforce the Minimum Standards for Health and Human Habitation portion of the State Sanitary Code on only the minimum standard listed in that code. These standards may not meet Mr. Opinsky's standard, but the Board will do everything necessary to insure that the minimum standards are met. . It was suggested that there might be areas that Mr. Opinsky may want to address on his own.. He was advised that the Board of Health through its agent Dennis M. Costello will take the indicated area on the order before the Worcester Housing Court. It is the roll of the Board's agent to advise the court of items on the order that have not yet been satisfactorily addressed by the landlord. Mr. Opinsky was given a copy of the order. Mr. Opinsky was asked to summarize the differences that he may have with the order. He first explained that much of his concern stemmed from the chronic illness of his young daughter, and elaborated on his concerns and how they affect his daughter. The Board requested a written physician's or other health professional's confirmation regarding the adverse affect the house is having on the child. This is especially necessary if Mr. Opinsky wished them to address anything over and above the minimum standards of the code. There were some issues that Mr. Opinsky felt needed to be more fully address, that Mr. Costello stated he was not able to find evidence to verify Mr. Opinsky's concern. He stated the he was not questioning Mr. Opinsky, but that he was unable to put anything on his report that he was not able to verify during his inspections. It was noted that the Court may be able to appoint a specialist to resolve such instances. Mr. Opinsky requested that he be notified when the hearing date is scheduled. Mr. Opinsky stated that he was comforted by the notion that the Board is addressing his concerns. He asked if Southborough requires some sort of Certificate of Occupancy (C.O) for rental property. Hearing that Southborough does not have such a requirement, he respectfully requested that the Board consider one. Mr. Opinsky extended his appreciation to Mr. Costello for his assistance in the issue and its resolution.</p> |
| <p>ACTION</p> | <p>It was moved, seconded and unanimously decided that the Board will look into an Article to Require a Certificate of Occupancy (C.O). for all rental property in Southborough at a future Town Meeting, or through an approved Board of Health Regulation. Staff was asked to present pros and cons for such an article at the next Board of Health Meeting. The Board complimented both Mr. Costello and Mr. Pisinski for the considerable amount of work they did to make it possible for the meeting with the tenant to go so smoothly.</p> |
| <p>PENDING</p> | <p>Housing Court Hearing date to be scheduled by Town Counsel, and report on pros & cons of the C.O regulations for rental properties in Southborough to be heard by the Board at next meeting.</p> |

NEW BUSINESS

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| <p>TOPIC</p> | <p>Report from Public Health Director on Wedgwood Condo System Treatment Plan Leaching Area Breakout</p> |
| <p>DISCUSSION</p> | <p>Mr. Pisinski advised the Board that Margo Webber of D.E.P., as a courtesy, has been keeping him apprised of a recent breakout at the Wedgewood Treatment Plant Soil Absorption Field, which is approximately 12 to 13 years old. The system is a D.E.P. approved Ground Water Discharge Permit and not a</p> |

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| | subsurface sewage disposal system which is approved by the Board of Health. Whitewater Co. is maintaining the Treatment Plant and has hired a specialist to determine the reason for the breakout. |
| ACTION | Mr. Pisinski also explained that this Board of Health Office has the only copies of the plans to be found and will be making copies for Wedgewood for a fee. |
| PENDING | Mr. Pisinski will keep the Board advised of the progress being made and the results. |

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| TOPIC | Trench Permit now required – Legislation passed, requires excavators to file for \$50 Permit from Southborough DPW |
| DISCUSSION | Mr. Pisinski advised the members that a new State Regulation (G.L. c. 82A sec. 1 and 520 CMR 7.00 et seq.) has been enacted that requires anyone who is to excavate a trench 4 ft. or deeper with a width less than 15 ft. is required to obtain a Trench Permit from the DPW, which explains precautions that must be taken and the requirements for covers when the trench is left open while no one is present to oversee its safety. |
| ACTION | Permit applications will be available at Board of Health Office; contractors, and engineers will be directed to the D.P.W. with any questions and to pay the permit fee. Enforcement will be through the Town D.P.W. office. The Board of Health Staff are not responsible for enforcement. |
| PENDING | |

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| TOPIC | Handicap Parking signs for the Board of Health parking area |
| DISCUSSION | Board members requested that the staff contact the facilities department to request that handicap parking signs be installed in the lots closest to the ramp access. |
| ACTION | |
| PENDING | Facilities to be contacted |

CORE DIRECTIVES

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| TOPIC | Tobacco Control |
| PENDING | Review and melding of Mr. Wilson's suggestions for presentation to the Board |

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| TOPIC Emergency Preparedness | Signing of Mutual Aid Agreement between Southborough, Hudson, Marlboro, Maynard, and Stow. (approved as to form by Town Counsel with one change) |
| DISCUSSION | Board members quickly reviewed the Mutual Aid Agreement. Some discussion ensued regarding what this Agreement might do in the effort to develop 24//7 coverage. Ms. Chamberlin was asked to keep the idea of using the mutual aid agreement as a step toward full coverage of 24/7 open for discussion by Region 4A. |
| ACTION | Signed the Agreement between Southborough, Hudson, Marlboro, Maynard, and Stow. |
| PENDING | Implementation |
| TOPIC | Grant money from Region 4A |
| DISCUSSION | Ms. Chamberlin reported that Region 4A will provide Southborough with \$3,400 |

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| | grant money for supplies, stipend, etc., and \$1,500 training money. The funds will be available by June 8 and must be spent by August 8. She suggested that the money be used to organize the Emergency Supply Closet at the Trottier School, by installing shelves and purchasing bins, etc. She provided the members with several other suggested items and projects for which the money could be used. |
| ACTION | The Board listened to Mrs. Chamberlin's suggestions. She will provide the members with a list from the MRC/CERT at the next meeting. It was decided that at least 4 – "72 hour Survival Kits" should be purchased to be raffled off at Heritage Day. |
| PENDING | Final approval and submittal for use of Region 4A Grant money. |

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| TOPIC | Wellness/Obesity - Obesity |
| DISCUSSION | The possibility of the 4 towns that have signed on the Mutual Aid Agreement agreeing to jointly hire a Health & Wellness Educator was briefly discussed and Ms Chamberlin was asked to begin to look into it. She advised that the Obesity Report she has seen indicates 32% of American children are overweight. In Southborough 8% are overweight and 7% are at risk. This is the only information available with the data that the schools are keeping. The Board asked Ms. Chamberlin to see if there is any thing that the Board of Health might do to aid Laurie Pardee in dealing with or deciding what type of programs and policies should be developed to address the issue of obesity. |
| ACTION | Dr. Fazen will find someone from the State DPH to address this issue as a town in conjunction with the Sate, because this has become a statewide initiative. Dr. Seder also thought that it would be good to invite someone from the school's health program to attend a Board of Health Meeting. |
| PENDING | Laurie Pardee, RN, Head Nurse for the Northborough/Southborough school district will be invited to the June meeting of the Board. |
| TOPIC | General Wellness & Working with Other Departments |
| DISCUSSION | It was reported that Judy Christiansen is giving classes to Southborough mothers on how to educate their children on sex, predators, etc. Mrs. Sacco will also speak with the School Nurse at the school she works at and ask if there is sex education provided by the Southborough Schools. |
| ACTION | At the next meeting she will report and the full board will decide if the Board of Health need get involved. |
| TOPIC | Working with Other Departments |
| DISCUSSION | Dr. Seder reported that he attended a WSCAC discussion regarding possibly supplying other towns with water. There are approximately 10, 12 million gallons to sell. WMRA has also begun to generate its own electrical power, which runs the plants to distribute water to member towns. |

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| TOPIC | BUDGET |
| DISCUSSION | Board Members were advised that both the Board of Selectmen and the Advisory Committee will recommend the Board of Health Budget with a 1% decrease. The decrease will be achieved by reducing the COLA increase of the Public Health Nurse and the Administrative Assistant by 1%. |

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| ACTION | Board of Health agreed and approved the revised BoH budget. |
| PENDING | Town Meeting is pending approval this evening |

| TOPIC | Housing Complaints reported between meetings |
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| DISCUSSION | <p>Mr. Costello reported that the Septic System at 49 Boston Rd., the Southborough Housing Authority, was breaking out and that several residents called to complain about the odor. He did find some effluent the first day he inspected and was able to smell an odor on his second visit. He met with the Director, Lynne Giblin and she advised what the Housing Authority was doing to address the issue. The system is only about 12 years old, so Mr. Costello also spoke with Mr. Pisinski and the two agreed that an independent contractor of the original engineer to diagnose the problem if it isn't resolved with the current treatment. Both believe that the process that the Housing Authority is doing is only a temporary fix.</p> <p>There was another complete received between meeting regarding the apartment, the tenants at 98 Southville Rd., complained, Mrs. Costello inspected, issued a report and repairs have begun. The concern is that this is the second complaint from the second tenant is a short period of time.</p> |
| ACTION | Staff will keep a watch on the issue at 49 Boston Rd. and report any concerns to the board. After repairs are made 98 Southville Rd. will again be inspected. |
| PENDING | Continued watch and report at next Board of Health Meeting. |

| TOPIC | TOWN MEETING |
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| DISCUSSION | The members reviewed how the presentation at Town Meeting would be made. The announcement of the Timothy P. Stone Public Health Award, which will be awarded annually, beginning next year, will be made to encourage residents to nominate candidates. Dr. Fazen will briefly update Town Meeting on the Board of Health Emergency Preparation and Nursing issues at the Board of Health. |

The meeting adjourned at 2:55 PM.

Respectfully submitted by Barbara M. Luther, Administrative Assistant to the Board of Health.