

MINUTES OF THE BOARD OF HEALTH MEETING
December 3, 2008

The meeting convened at 1:07 PM. 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.

The minutes of the November 2008 were not available for review due to time constraints

Members were briefed on the agenda and any scheduled appointments.

Mr. Pisinski briefed the members about the "Request for Variance Petition" that Mr. Peter Bemis, Engineering Design Consultants will be bringing before the Board on behalf of Mr. & Mrs. Joseph Baptiste, 60 Deerfoot Rd. Mr. Pisinski explained that the septic system was built in the 1970 for three (3) bedrooms, as per our files. The home has been listed as a five (5) bedroom home by the Assessors Office. It burned down and the homeowners want to comply with the Title 5 Code for a 5 bedroom home as he rebuilds. Mr. Pisinski explained the two requirements that must be met in order for the Board to approve the variance request are: 1) it must meet the manifest injustice clause of the code, and 2) there must be equal protection provided to the tributary to the reservoir.

Mr. Pisinski also explained the letter from Carla McAuliffe, Town Accountant regarding the septic funds and the septic grant money fund that were created some time ago. She is being advised by the Auditors that she must have them managed or used better, or they will have to be returned the funds to their source.

Mr. Pisinski advised the members that they should discuss an issue regarding beavers causing a mosquito breeding site in the swamp between two neighbors. Complaints have been received.

Dr. Fazen noticed that the handicapped entrance was being repaired and suggested that a note be sent to the new Facilities Manager Phil Rinehart thanking him for making the improvement to the entrance, and advising that the ramped entrance to the Board of Health is very important to the Board of Health and to others who use the building.

PETITIONS/PUBLIC HEARINGS

At 1:30 PM Mr. Peter Bemis of Engineering Design Consultants arrived to petition the Board for a variance to the setback to distance of the subsurface sewage disposal system at 60 Deerfoot Rd. to a tributary of a Class A Surface Public Drinking Water source. He explained that Joe and Nancy Baptiste had a fire in April of this year. No one was hurt but there was substantial damager to the house. Mr. Bemis advised that this house has been listed by the Assessor's Office as a five (5) bedroom home, and gave the board a copy of the Assessor's record declaring the house as such. He reported that the Board of Health files and regulations indicate that the subsurface sewage disposal system is for a three (3) bedroom home. He explained that when the Baptistes purchased the home, Title 5 Inspections were not required and they purchased the home as a five bedroom house. Now as the house is being restored from the fire and the Baptistes want to again have a five bedroom home. In order to comply with the Title 5 Code the system's flow must be increased, which places it in the category of "new construction". If this was just a repair the Board would have the option of issuing a "Local Upgrade Waiver" to the current Title 5 Code. The system is working fine as a three bedroom system, but is not up to

code as a five bedroom system. The newly constructed subsurface sewage disposal system is 149 feet away from the tributary to the reservoir, but is actually farther away from the tributary than the old system. Mr. Bemis presented the Board with reasons for granting the variance. The D.E.P requires 200 feet from the tributary, but the minimum distance is 100 feet, as described in 310 CMR 15.124c, this system exceeds the minimum requirement. Also it exceeds the setback to the wetlands as well as the reservoir being over one mile away. The wetlands between the reservoir and the system provide extra filtering, and the bottom of the system is well above the water table. Mr. Bemis stated that he has also included an impervious poly barrier in his design of this system. Dr. Fazen asked if it will be an all completely new system, to which Mr. Bemis responded yes. It will have all the new requirements of the Town of Southborough for any new construction; a two compartment tank, outlet tee filter and a 1500 gallon tank. Dr. Seder asked if anyone had determined if the old system was putting anything into the tributary. Mr. Bemis advised that the “dig up corner” of the existing system appeared to be working fine. Mr. Pisinski explained that we are now finding that effluent goes down not laterally and therefore the most important issue is the water table. Massachusetts requires a 4 foot separation to the water table where other states require only 2 feet of separation. Soil tests went down 114 inches without hitting the water table. Dr. Fazen asked to have the criteria for “manifest injustice” explained which Mr. Pisinski did. Members asked that they be provide with a copy of the criteria in writing for future use. Mr. Costello advised that the code allows for a tight tank if a system fails and there is no feasible way to install a subsurface sewage disposal system on the property. However, he feels that the tight tank almost constitutes a manifest injustice because of the expense involved in the constant pumping. Mrs. Sacco moved to grant the variance, Dr. Seder seconded the motion and Dr. Fazen made the vote unanimous.

NEW BUSINESS

Permission for Mrs. Luther to attend Massachusetts Administrative Assistants Conference \$199.00: Board members voted unanimously to enroll Mrs. Luther in the one day seminar. She will attend the February 11, 2009 in Marlboro.

Discussion/Vote on a whether to send town wide e-mail before any license or permit is issued as a means of collecting tax revenue: Mr. Pisinski advised that the Treasurer/Collector and the State DOR have requested that the Board of Health and other departments that issue licenses or permits send a list of licenses/permits pending renewal to them so that they might determine if money is owed for back taxes, etc. Mrs. Luther advised how it worked with food licenses, but indicated that there could be a problem with developers if construction picked up. Dr. Fazen said that he believes that the Board should move very slow regarding this request. It was suggested that a memo be drafted that could be sent before issuance of licenses or permits which gave the Collector’s Office two business days in which to determine in money is owed before the license or permit is automatically issued. The draft of this memo must be approved by the board before any such cooperative procedure is put into practice.

Public Health Advisory Committee Report: Dr. Fazen gave a copy of the final Advisory Committee Report to the board members, which included the requested additions from Desheng Wang. He would like the member’s unanimous acceptance of the report including the addendum “A Health Community” to be sent first to the committee members and then to the Board of Selectmen.

Organization Chart: Dr. Fazen recapped the meeting with Personnel liaison, Russ Millholland regarding the reorganization of the Southborough Board of Health. It was thought that with Mr. Millholland's assistance the board would be better able to present their vision for the future of the board and the Health Department to the Board of Selectmen. However, even with the guidance of Mr. Millholland, the Board of Selectmen did not accept or agree with the Board of Health's vision. Dr. Fazen stated that he sees the need to continue to look into a position of Administrative Agent to assist in the transition of the Board of Health department into the future. Mr. Pisinski explained the previous limited role of the secretarial position he also explained the ebb and flow of the work load at any health department and his agreement of the need for this new position. Dr. Seder asked who would make the decision if a question of policy arose. Mr. Pisinski explained his role as Public Health Director was as a 20% time director to guide and advise the Board of Health on questions of policy and as such would continue to be responsible for policy with the guidance and approval of the board members. Dr. Seder said that the board needs to continue to develop the position of a professional administrator in such a way that it is not stepping on the director's responsibilities. Dr. Fazen stated that he believes that the department needs a thirty year experienced person in the department, but thinks that the Selectmen want one "go to person" not two to respond to issues. Mr. Pisinski explained that he has been talking with other towns regarding the composition of their departments and will have a report for them at the next meeting.

Noting that the Board of Selectmen were not very please with the Board of Health's vision of the future and hearing that some residents may have spoken to the Board of Selectmen regarding Board of Health concerns, Mrs. Sacco said she would like a letter sent to the Board of Selectmen, which will request that the Board of Selectmen advise anyone who has a complaint with the Board of Health to put the issue into writing, and send it to the Board of Health members. The board will address it. Mrs. Luther will draft a letter for review by the board members. After approval all three members will sign the letter.

Continuing the discussion of reorganizing the Board of Health Dr. Fazen stated that the board wants to place Southborough in a position that is ready to participate in regional mutual aid, with a competent person to direct people to the proper person or agency to handle any situation, acting as the "face of public health" so to speak. Dr. Seder suggested that this position be called a Policy Consultant rather than a Public Health Director. Dr. Fazen stated that long term the board will want an Administrative Agent, but will continue working with Mrs. Luther as they have been doing in the past. Dr. Seder moved to present the new position of Administrative Agent to the Personnel Board defending the need to create this new position even if it is not funded now. It will be needed in the future. The motion was unanimously approved.

Beaver/Mosquito issue at 191 Main St. Because the issue of beavers creating a mosquito problem in the area of 191 Main St. cannot be resolved until spring, the issue was tabled.

Letter from Town Accountant, Carla McAuliffe re: Septic Account Funds - Mr. Pisinski reported that Ms. McAuliffe advised him that she has to do something with the "septic funds" if the Board wants to keep them from being returned to the state and developers. Mr. Pisinski told the members that she has misunderstood the purpose of the funds, but that he will send her a letter which lists his plans for each of the funds. The accounts from Vickery Hills, Southborough Meadows, and Wedgewood/Southwood all were established to facilitate

the Board of Health, in developing regulations regarding the management of private sewer systems. Mr. Pisinski suggested that the Board might hire a lower level consultant to develop sewer collection system regulations. The vote of approval for this use of the Septage Accounts was unanimously approved by the board members.

Complaint: Mr. Pisinski advised the members of several complaints that the office has been receiving regarding a terrible smell in the area of Capasso's field. He has spoken with the owner's daughter and manager of the property, Mrs. Liz Sherry. She put him in touch with Doug Stephan who is working the field. Mr. Stephan told Mr. Pisinski that the piles contain a mixture of horse, cow and chicken manure. It is stockpiled rather than spread because the heavy rains have kept the field too wet for his equipment. However, Mr. Stephan expects to spread and turn the manure into the ground within the next week or two.

REPORT ON CORE DIRECTIVES

Tobacco Control: Dr. Seder noted that the DPH recently offered free nicotine patches to the veterans. Mrs. Luther said that she had been made aware of the program and passed it on to the Veteran's Agent.

Emergency Preparedness – recap of “EDS Drill” at Flu Clinic and other topics: Mrs. Chamberlin advised that at the L.E.P.C meeting she gave a recap of the flu clinic/EDS drill which was held at the Woodward School. Mrs. Sacco added that it gave the other members of the L.E.P.C a good look how the Board of Health is addressing emergency preparedness and showed the wisdom of combining the MRC & CERT volunteers. There is no plan to return any remaining vaccine to the State until some time in January. Mrs. Chamberlin is offering vaccination for those who missed the clinics on Fridays from 9:00 AM to 12:00 Noon until the need slows down dramatically or she runs out of vaccine.

Mr. Chamberlin asked who of the members and staff had taken the ICS courses 100, 300 and 700. She encouraged all to take the courses explaining that the deliverables require all of them to take the courses. The courses can be taken either on line or with Neal Aspesi.

Mrs. Chamberlin provided each of the members with the Mutual Aid Agreements that the five town subcommittee of Region 4A has developed. It is basically the version that Region 4A first provided each town, but with some tweaks; one change being the approval by Town Meeting has been removed. Mr. Pisinski will check with Town Clerk's office to see if there is a by-law regarding mutual aid. It is her hope to discuss the document at the next meeting.

Working with other Departments: Mrs. Chamberlin was asked to follow up with the Police Department's Acting Chief, Jane Moran and Officer Rick Mattioli, who is doing the department budget. After Dr. Fazen's talk with the officers the interest in having them be inoculated against Hepatitis B and other communicable diseases has grown. The Fire Department has a contract with Marlboro MedWorks for pre-employment physicals, and vaccinations. They even send someone to the fire station to do the Titer Test after the shots have been given. Officer Mattioli advised Mrs. Chamberlin that the Police Department contract only allows for pre-employment physicals and PPD vaccinations. She reported that she discovered that the DPH suggests that annual PPD vaccinations are only required in high risk towns. There doesn't seem to be

anything in the Police budget for a MedWorks contract. Mrs. Chamberlin gave information on Hepatitis B to the police department and told them that she can give the shot to the officers, but that it will cost them \$85 at MedWorks to have the Titer Test check done. Mrs. Chamberlin is please that education has begun with this information being offered, but feels that the mindset of the department will have to become more about personal protection in the future. It was suggested that the Board might show its concern by kick starting a protection mindset, and providing personal protection kits to all the cruiser; once they are used the police department would need to replace them. Mrs. Sacco reported that Officer Mattioli told her that Mrs. Chamberlin's help was wonderful and very much appreciated, as she provided all the information they needed to make decisions. Dr. Seder asked if the Animal Control Officer is vaccinated for rabies. Mrs. Sacco advised that police officers shoot rabid animals, and asked that Mr. Pisinski check to about their need to be vaccinated as well as if the Animal Control Officer is vaccinated.

Dr. Fazen and Mr. Pisinski will finalize the protocol for calls form the police and fire departments.

Wellness/Obesity: Mrs. Sacco reported that the recreation department had a record turnout for the Gobble Wobble. The members asked that she send a congratulation e-mail to the recreation department.

NOTIFICATION OF ACTIONS BETWEEN MEETINGS & PENDING ITEMS

Licenses

Paul E. Wade	The Tattoo Gallery	Body Art Practitioner	Renewal
Bob Streeter	Bob Streeter	Installer	Renewal
Steven Magnuson	SWS Septic Inspections Inc.	Hauler	New

Septic

St Name	Applicant Name	# Bdrms/ GPD	Explanation	Metrowet Engineering
36 Main St.	Allan & Judith Markey	4	Complete Replacement	SULLIVAN, CONNORS & ASSOC.
108 Turnpike Rd.	Shrubs and Trees		Well Irrigation	ENGINEERING DESIGN CONSULT.
76 Marlboro Rd.	Stephen Lahaye	4	New	CONNORSTONE, INC.
74 Marlboro Rd.	Stephen Lahaye	4	New	CONNORSTONE, INC.

Continued Discussion of Signage for the Board of Health: The Board members asked Mr. Pisinski to find out what has happened with the sign indicating that the Board of Health is now located here at 9 Cordaville Rd. Mrs. Sacco noted that the Board of Health has been located here since June 24, 2008. The board members feel it is necessary to let people know where to find us.

Continued Discussion of Tribute to Dr. Stone: Board members discussed developing a process to choose individuals who have been Outstanding Contributors to the Public Health of Southborough. This program will be presented at town meeting. Although the process of

choosing an individual need further planning, the Board would like to have the plaque ready by Town Meeting. Mr. Pisinski was asked to obtain samples of plaques, from Andy Gleckel, so that a decision can be made at the next meeting. The Board will then have one full year to choose the first recipient.

BUDGET

Mr. Pisinski explained the changes in the budget with increase in administrative pay, increased nursing hours, and decrease in Public Health Director's hours. The Sanitary Inspectors hours stay the same, but Mr. Pisinski has included a slight increase in compensation. Mr. Pisinski will provide the members with a copy of his new contract with some changes in his duties.

The meeting adjourned at 4:45 PM

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