

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 a hybrid Google meeting on Thursday, May 18, 2023 at 6:00 p.m. This meeting was conducted in person and by remote participation pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 23, 2020 Order imposing strict limitations on the number of people who may gather in one place.

Members present:

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

Chairman Tibbs called the meeting to order at 6:00 p.m. and announced it is being conducted in a hybrid format. He mentioned there will be further discussion on virtual meetings later this evening.

Mr. Tibbs announced Variance / Extension Requests are first on the agenda. He asked Mr. Perry for an update to Kelley's Mobile Home septic install extension at 1156 Park Street.

I. Variance / Extension Requests

A. Kelley's Mobile Home Septic Install – 1156 Park Street

Mr. Perry said he was at the mobile park earlier today and met with Bill Matt, project manager and owner of BCS Construction. They walked the complete site. Mr. Perry said all the services are in except the house which is on schedule to be done last since it's currently serving as a temporary parking area. Mr. Perry said they are still waiting for the plumber. He added, the Board did receive this extension request in writing.

Mr. Bill Matt, attending by telephone told the Board the engineer was out to the site about a week ago to perform a survey. From what the engineer indicated, Mr. Matt said he expects the plans to be submitted to the Town in the week following this meeting. He said they are still on target to have the leaching facility in by mid -June.

Vice Chair Snyder asked Mr. Perry if he is okay with the progress being made. Mr. Perry replied, although it's been slow, progress is being made. He mentioned he hasn't received the plans yet and when he does, it will take a week to review them.

Mr. Parolin asked for confirmation the plans would be in by the end of the following week. He questioned Mr. Matt as to why the plans have taken so long.

Mr. Matt responded that the plans will now include the recently completed survey, the septic system and the AS Built. He said this is why the plans have taken so long and added the plan wouldn't have been complete without the survey.

Mr. Parolin made a motion to continue the extension for one month, providing the plans are in by the end of the upcoming week. If the plans are not in by then, the Board should not approve the extension.

A discussion ensued on what would be the result of having the project shut down.

Mr. Matt told the Board it has been a difficult project. He said if an extension isn't approved, the project won't be able to continue. Mr. Matt said he, nor the property owner are in control of when the engineer completes the plan. He stated they have been working diligently to get this project completed. They have had to work through many issues to get to this point. The plumber has indicated he will have the remaining trailers connected in the next couple of weeks.

Mr. Perry asked if the plans are not in by the following week, whether Mr. Matt has work to be done while the plans are pending, such as connecting the house to a manhole.

Mr. Matt said if the Board wishes, he could connect the house to the manhole, but that had been planned for when the leaching facility is added so as not to disrupt temporary parking near the house.

Mr. Matt stated the engineer is extremely motivated to get this job completed. He said it's not unusual for engineering plans to be delayed a few days or a week. He mentioned they had submitted what they thought was a workable plan in November and Mr. Perry found 23 items from that plan that needed to be addressed.

Chairman Tibbs said he isn't opposed to granting a one-month extension, saying although progress has been slow, it's being made. He reminded the Board there is a motion on the table and asked if there is a second.

Mr. Parolin withdrew his motion.

Mr. Perry said if a stop work order is issued, it really wouldn't affect anything at this point. They are waiting for the plumber, who is working under plumbing permits. Mr. Perry said hopefully the plumber will get his work completed while they wait for the engineering plans to be submitted and approved.

Ms. Epro made a motion to grant this extension to the next meeting in the hopes the engineer will provide the plans by then. Mr. Varner seconded.

On the vote:

Mr. Snyder – yes Mr. Varner – yes Mr. Parolin - no Ms. Epro – yes Mr. Tibbs– yes

Mr. Tibbs let the applicant know the extension is granted until the next meeting.

B. Amelia’s - 217 Washington Street – Exterior Grease Trap extension request

Mr. Perry reminded the Board they had given the owner 30 days to pick up permits and another 30 days to get the system installed. The plumbing permit was picked up today. The installer told Mr. Perry the tank was ordered and is expected in another week. The installer applied for a license through the Engineering Department, which is being processed.

Mr. Perry received an email from the owner who expects to meet the deadline in getting the grease trap installed. Mr. Perry said technically, they’ve met half of the conditions they were supposed to. Mr. Perry added there was recently a sewer overflow in their parking lot related to the non-conforming manhole. It has been cleaned up.

Mr. Snyder asked if there is a plan in place to prevent an overflow from happening again while the tank is being completed. He suggested the restaurant will be getting busier now and if the tank takes longer than expected, it makes sense to have it pumped to prevent an overage from happening again.

Mr. Perry said it was just pumped and would probably be another month before it happened again, so hopefully the tank will be in before then.

Mr. Parolin suggested the Board grant the extension with the stipulation, in the event of a spill or overage, the restaurant will pay clean up costs.

Mr. Tibbs stated that based on this discussion from the Board, they will be granted another extension for 30 days. He agreed the restaurant should be responsible for any costs associated with any future spills.

Vice Chair Snyder made a motion to grant the extension for 30 days, or until the next Board meeting. If any spills occur before the next meeting, the restaurant will be responsible for any clean-up costs. If the project is not completed by the next meeting, the license to operate will be suspended until such time as the project is completed. The business owner will be notified of this by letter. Ms. Epro seconded

On the vote:

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

C 1. Hampton Inn – Lifeguard Variance Request

Mr. Tibbs invited anyone from the hotel to speak. Hearing no response, he commented that no additional information the Board requested for this application has been received. Mr. Leahy mentioned receiving an apology from the applicant for missing the last meeting. Mr. Leahy did send a google meets invitation for the meeting to the general manager and let him know the Board needed more details on their application.

Mr. Leahy told the Board he reviewed the inspection report from the previous year and they do have an emergency communication system at the pool. He said this information should be included to the variance application.

Mr. Leahy reminded the Board the hotel may be operating the pool without a life guard variance and a pool permit. The pool permit from the previous owner expired and the current owner has applied for a new permit in addition to the variance, however neither has been approved at this time.

Mr. Leahy said this warrants a visit to the hotel. The Board agreed a visit to the pool is needed to notify the manager they are not able to operate the pool until they are in compliance with Town regulations.

Mr. Snyder said to give them the option of either hiring getting a lifeguard and get all the other renewal and inspection in order or closing the pool until such time as they become compliant.

All were in agreement that if the applicant wants to apply for a variance, they need to come before the Board to provide the additional information necessary for the Board to consider a variance request.

Ms. Epro made a motion to deny the variance request until the hotel becomes compliant.
Mr. Snyder seconded.

On the vote:

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

C 2. Millbrook Condominiums – Lifeguard Variance Request

Mr. Leahy told the Board he was at this location today conducting their pool inspection and everything looked good. The pool was clean; however, the bathrooms need a deep cleaning. The applicant's updated rules and regulations were provided and everything looked good. The Board discussed information provided in the agenda packet. Mr. Leahy noted that Dmitry, a representative from Millbrook was in attendance.

Mr. Snyder made a motion to approve the lifeguard variance request. Mr. Varner seconded.

On the vote:

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

C 3. iServworks Emergency Pool phone inquiry

Mr. Leahy explained to the Board of an inquiry he received on whether the Town requires POTS lines (hard lines) for emergency purposes in pool areas. Local phone providers are no longer supporting these hard lines, now that VOIP Adapters are more common place. Mr. Leahy said the Town follows all state regulations and he wanted the Board member's opinions as well.

Mr. Snyder commented that this seems to be the way of the future. He asked what would be done if the internet isn't available. Mr. Tibbs said equipment has standard battery backup, but if internet service is not available for emergency calling, people should not be swimming. Mr. Tibbs stated this doesn't require a Board vote, but it should be added to the list of things to discuss in the future.

D. Club Luiz de Camoes – Dumpster Pad Variance Request

Mr. Leahy explained this application came about as part of a pending 2 Day Liquor license and food application permit with the Board of Health. In reviewing their application, a few things were found to need correction. Mr. Leahy mentioned stopping by the location earlier in the day and the dumpster was not in the original location. He welcomed anyone from the Club in attendance to come forward.

Mr. Victor Vieira joined the meeting via telephone to explain after the upcoming feast, they will move the dumpster to a preferred permanent location, providing the Board approves the variance request. The feast is out doors and leaving it where it is now will allow more parking spaces for the event.

Mr. Perry mentioned a person from the Club still needs to be certified in Food Safety before he signs off on the applications. Mr. Vieira told of his concern in finding a certification site offering multi language courses. Mr. Perry said he will send him a list of locations that offer multi language Food Safety courses.

Mr. Snyder made a motion to approve the dumpster variance, as long as the other requested food permits are approved and the food safety certificates are in order. Ms. Epro seconded.

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

II. Condemnation Hearing

A. Housing Violations – 39 Brook St.

The Board voted to open the public hearing.

Mr. Perry described the condition of the building as extremely unsafe for occupancy due to its multiple issues. He said the owners of the property don't feel they can spend the money to make the necessary repairs. Mr. Perry told the Board his main concern is there are children living at the property.

Mr. Leahy told the Board the septic system is in complete failure and the owners have not paid taxes since 2014. He said in his experience, the fact that the property has been condemned may assist the residents in becoming a higher priority for emergency housing eligibility.

Mr. Tibbs asked if there was a motion to deem this property unfit for human habitation.

Mr. Varner made a motion to condemn the building.

Ms. Epro seconded.

On the vote:

Ms. Epro – yes Mr. Parolin – yes Mr. Varner – yes Mr. Snyder voted yes

Mr. Tibbs- yes

The public hearing was closed.

III. Sanitarian Updates – Dumpster Variance

A. 354-360 Washington Street

Mr. Leahy said a recent meeting with the property manager and owner went well.

Mr. Bhaskar Ray, owner of the property was in attendance via telephone and told the Board he reached out to a few fencing companies already. If the Board approves the variance request, he will reach out to a company and have the fence put in. Because of the limited space, it's necessary to ask for variances. The businesses also use the space in the back for their deliveries.

Mr. Snyder asked for Mr. Leahy's opinion. Mr. Leahy confirmed it's a very tight area. He said having the dumpster fenced in would be a big improvement since it would keep the dumpster away from the property line and no longer cause damage to the neighbor's fence.

Mr. Tibbs let Mr. Ray know he has to resubmit the plan along with all the variance requests he is asking for; the set back from the property line, the set back from the building and the variance for the concrete pad. Mr. Ray will send an updated variance application and a sketch to Mr. Leahy.

Mr. Parolin questioned pictures of trash overflowing from the dumpster provided in the agenda packet. Mr. Ray explained the pictures were not recent, but from a time when the dumpster company could not gain access to the dumpster due to a car being parked in the way. The area is now clean. He said the businesses that share the dumpster take care to keep it clean. Mr. Parolin asked for confirmation of how often the dumpster is emptied.

Mr. Leahy said the pest control has been sufficient. The last couple of reports showed no rodent activity.

B. 79 Canton St. – Prato Fino – exterior Grease Trap Project

Mr. Perry said the revised plan was provided to the Engineering Department and they approved it. He said it is expected that someone to pick up the permit soon. It's moving along nicely.

C. 1305 Washington Street – Septic Install Project

Mr. Perry said the plans were approved and the business has one more meeting with the Conservation Commission. They are waiting for the order of conditions from Conservation. Once they receive the order of conditions, they can start construction. They are all set from the Board of Health stand point. The new owner is looking into a sewer connection and contacting abutters to see if people are willing to share the cost of connecting to sewer.

D. 909 Sumner Street – PAM Health (formerly Cura Health)

Mr. Perry spoke to their attorney and agent today. The plans are in the works and are expected to be provided to the Board of Health by the next meeting in June. If the plans are approved, they hope to begin construction in July.

E. 1873 Washington Street – Sewer Connection Project

Mr. Perry said this address is now connected to sewer. Part of the overall project involves neighboring properties connecting to an easement through 1873's property so there is still ongoing construction going on in that area, but this address is connected.

IV. COVID -19 Update

Chairman Tibbs explained with the Covid-19 emergency now officially over there is no reason to continue only virtual meetings. He wanted to note, having hybrid meetings can be beneficial for constituents and board members. Mr. Snyder said he believes having both in person and virtual is

beneficial. He's in favor of continuing hybrid meetings. Ms. Epro said she is also in favor of continuing as hybrid.

Ms. Epro asked how Town Hall restoration project was going. Mr. Leahy replied it's progressing. He explained the Clerk's office is the final office to be repaired. They will temporarily be set up in the conference room where the Board of Health usually meets while their office is being renovated.

Mr. Tibbs announced the Board will continue to meet both in person and virtual.

IV. Correspondence

A. Meeting minutes of April 13, 2023

Mr. Tibbs asked whether there were any corrections needed. When hearing none, Ms. Epro made a motion to approve. Mr. Parolin seconded.

On the vote:

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

With no other business before the Board, a motion to adjourn was made by Mr. Varner. Ms. Epro seconded.

On the vote:

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

Meeting adjourned at 7:26 p.m.

Documents used during the meeting:

1. Department of Public Health Pool regulations (105 CMR)
2. Life Guard Variance application -Hampton Inn – 449 Page St. to waive lifeguard requirement
3. Life Guard Variance Application from Millbrook Condominiums – Millbrook Rd.
4. Email correspondence between James Elder @ iservgroup and Sean Leahy re: Pots Lines requirement
5. Dumpster variance application from Club Luiz de Camoes – 76 Porter St.
6. Housing Code violation letter to owners of 39 Brook St., Stoughton, MA from Sean Leahy, Board of Health dated March 31, 2023
7. Title V letter of non-compliance to owners of 39 Brook Street, dated March 31, 2023 by Lawrence Perry, Board of Health
8. Meeting Minutes of April 13, 2023 - April 13th minutes approved - May 18, 2023