



Town of Mendon

18 Main Street
Mendon, MA 01756
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BOARD OF HEALTH MEETING MINUTES

Wednesday – July 13, 2022 | 7:00 PM

In Attendance: Alan Greenberg – BOH Vice-Chairman
Tom Fichtner – BOH Member
Jack McLellan – Inspectional Svcs. Office Coord. | Health Admin.

Not Present: BOH Chairman - Vacant

Meeting Location: [REMOTE VIA MICROSOFT TEAMS](#)

MINUTES APPROVED

By Board of Health on
MARCH 8, 2023

At 7:00 PM, BOH Meeting has been called to order by Jack McLellan. Jack reads the Open Meeting Law Extension.

Vice-Chairman Greenberg thanks Jack, and begins the meeting with the 1st Agenda.

1st Item on Agenda Lake Nipmuc Association – Follow Up To Lake Testing

Vice-Chairman Greenberg asks the Lake Nipmuc Association to start us off. Wayne Phipps begins with asking about communication being relayed to those around Lake Nipmuc when it is closed due to high levels of Ecoli. Also, what can be done to prevent the high levels of Ecoli in the Lake? Vice-Chairman Greenberg thanks Wayne, and calls on Dan Byer from the Parks & Recreation Department for his input. Dan stated that with Massachusetts State Law, that the Public Swimming Area gets tested and meet all the standards. If the testing fails, then the Beach must be closed, until it meets the standards. As regard to closing the entire Lake due to Ecoli exceeding the Beach Results, that would be a Board of Health decision. Dan also mentioned that he is looking into getting the Beach Results communication on the Code Red System.

Vice-Chairman Greenberg thanks Dan for his input, and asked Dan when the last testing was done at the beach. Dan responded that it was done a couple of days ago on Monday, July 11th. Microbac Laboratories, who do the Beach Testing, notified Dan via email about the results earlier today. Dan said that due to the exceedance of the Ecoli results, Microbac will be coming back out tomorrow, Thursday, to do a retest and Dan is hoping to get the retest results by Friday afternoon.

Vice-Chairman Greenberg thanks Dan for the information and wanted to note that there have been sightings of numerous geese on the Lake including geese droppings at the beach area within the past week. Vice-Chairman Greenberg calls on Linda Lamothe from the Lake Nipmuc Association.

Linda wanted to mention that the cove by her home on the Lake always tests positive for Ecoli every time the Beach gets tested. She also mentioned that she has about 50 to 60 geese out on the Lake every day. Linda is also concerned about the lack of communication about the beach being closed due to the exceedance of the Ecoli limits.

Vice-Chairman Greenberg thanks Linda for her input and asks Linda who does the testing in her cove. Linda responded that it was also Microbac Laboratories that does their testing. Vice-Chairman Greenberg again thanks Linda, and asks Wayne if he had anything more to add. Wayne just wanted to mention that he would really like it if the Lake Nipmuc Association and the Board of Health could work together and try to fix the Ecoli issue and

also work on getting better communication out when the Beach is closed. Vice-Chairman Greenberg thanks Wayne, and with past discussions, Vice-Chairman Greenberg wants to get someone who is experienced in not only doing the Ecoli testing, but also interpreting the results, and possibly have them come to a meeting as a guest speaker, so that everyone could hear from a professional not only learning how the testing is done, but also learning how to interpret the results. Vice-Chairman Greenberg also agrees that there needs to be better communication to be relayed out to the town.

Jack lets Vice-Chairman Greenberg know that Dan Byer has his hand raised for comment and also Tom Fichtner has his hand raised for comment. Vice-Chairman Greenberg calls on Dan to start first.

Dan just wanted to clarify on how the testing works. After Microbac takes the sample, they bring it back to the lab, incubate it for 24 hours, then the results are determined. Dan mentioned that's how the testing works and why notification is on Wednesdays. Dan also mentioned that more sampling could be done around the Lake, but each additional sample is an additional charge.

Vice-Chairman Greenberg thanks Dan and calls on Tom Fichtner. Tom wanted to ask Wayne and Linda, on how the Conservation Committee's involvement has been throughout the process. Wayne mentioned that the Lake Nipmuc Association had 2 meetings with ConComm, and they have been helpful, but concerning the Ecoli levels, Wayne wanted to mention that after multiple discussions through other committees, Ecoli can't be caused from failing septic systems around the lake because the numbers are not high enough. Wayne says he knows there are faulty septic systems around the lake and should be corrected, but also the geese contributing to the Ecoli results. Also, Beavers are a concern, and possibly contribute as well. Wayne hopes that whomever comes in as an Expert, can determine where the high levels of Ecoli are coming from.

Tom thanks Wayne, and also wanted to mention the runoff after a rain storm that can cause Ecoli due to the fertilizers being used. Tom suggests that constant involvement with ConComm should be applied to this area. As a shared resource, Tom thinks everyone should be concerned and actively involved with getting the situation under control. Tom mentions that he witnessed a Dye Test a couple of weeks ago, that a runoff area was used and in about 10 minutes, could see the dye testing run into the lake itself. So definitely a storm water runoff could be a factor to the contamination of the lake. Tom hands it back over to Vice-Chairman Greenberg.

Vice-Chairman Greenberg thanks Tom and as he was listening to the conversation, maybe a panel of speakers is needed to clarify all the topics that could contribute to the Ecoli testing and results, to cover and learn as much as possible to the contributing factors.

Jack lets Vice-Chairman Greenberg know that Dan Byer has his hand raised for comment. Vice-Chairman Greenberg calls on Dan.

Dan thinks it's a phenomenal idea to gather a panel of experts in regard to the Ecoli contributions and could forward some names that might work as a panelist. Dan suggests to start off to get some expanded testing around the lake, including tests for Nitrate and Phosphorus. Dan also suggests getting a list of all properties around the lake in regard to their septic systems with the date of their last pumping record. Dan knows that Missy started working on it, then Covid started which put the brakes on everything.

Jack lets Vice-Chairman Greenberg know that Tom Fichtner has his hand raised for

comment and also Lawney Tinio from the Select Board has his hand raised for comment. Vice-Chairman Greenberg calls on Tom to start first.

Tom asks Dan if Microbac is doing composite sampling. Meaning taking multiple samples each time and combining them to get an aggregate result. Dan responds that is not happening as the State of Massachusetts put a stop to that. Doing a composite sampling does not conform to the State Regulations for Public Beach Testing. Tom remembers that it was being done a while back to get a complete picture of the beach results. Dan says multiple samples could be taken from the beach area, and tested separately and get separate results from each sample, but combining them to one test result would not work for Beach Testing. Tom also mentioned he would like to expand the notification of Beach Results to the residents, including Facebook, Mendon Town Webpages, and the Code Red Alert system.

Vice-Chairman Greenberg thanks Tom and calls on Lawney for his comments.

Lawney mentions that he has attended and will continue to attend the Lake Nipmuc Association meetings and also has been working with Jack at the Board of Health in getting the Septic System mapping back up and running. Lawney suggests increasing the Board of Health's budget to include additional testing around the lake, besides just the beach area.

Jack thanks Lawney and lets Vice-Chairman Greenberg know that Wayne Phipps has his hand raised for comment and also Tom Fichtner has his hand raised for comment.

Vice-Chairman Greenberg thanks Lawney and calls on Wayne for his comments.

Wayne just wanted to mention that when the Lake Nipmuc was doing the testing several years ago, they were testing about 10 spots around the lake, and testing for Nitrate and Phosphate along with the Ecoli test.

Vice-Chairman Greenberg thanks Wayne and calls on Tom Fichtner for his comments.

Tom just wanted to follow up saying he was in support with Lawney to have additional testing done around the lake and increase the Board of Health budget as Tom would like the Board of Health take charge of this topic.

Vice-Chairman Greenberg thanks Tom. Vice-Chairman Greenberg wanted to make one final comment as we need to move on to the other topics on the Agenda. Vice-Chairman Greenberg just wanted to mention that prior to 1995, septic related plans/records were not required to be submitted to the Local Boards of Health. So during the mapping of the septic systems, the Board of Health does not want to cause anyone hardships, we're not trying to find fault, but would certainly like to be helpful in maintaining the lake and the quality of life around it.

Vice-Chairman Greenberg thanks everyone for their comments and joining tonight's meeting and moves on to the 2nd topic of the Agenda.

2nd Item on Agenda

Rooster Noise Nuisance – Follow Up

Jack gave a brief overview of the issue and mentioned that Tom Fichtner and Danielle Edmands, the Board of Health Agent, both visited the property of the Rooster Noise Nuisance. Vice-Chairman Greenberg calls on Tom Fichtner for comments.

Tom stated that him and Danielle went to the property on Neck Hill Road and had a conversation with Elizabete, the property owner about the issue. Tom said Elizabete only has 1 rooster at the property and brought Tom and Danielle to the coop where the rooster is housed. Tom and Danielle shared information on how to mitigate the noise issue in regard to reducing the noise coming from the coop. Tom also wanted to mention that there may be other roosters in the area contributing to the noise, but do not have any confirmation to validate that possibility.

Jack thanks Tom and lets Vice-Chairman Greenberg know that Anne Mazzarelli has her hand raised for comment and also Ellen Gould, from the Mendon Agricultural Commission has her hand raised for comment.

Vice-Chairman Greenberg thanks Tom and calls on Anne for her comments.

Anne is a next-door neighbor of the Rooster and says that it is still crowing early in the morning, most recent at 5am. During the day its not as bad, but its usually the early hours of the morning like 4:30am, 5am and 6am. She believes there is only 1 rooster on the property. Tom thanks Anne for her comments, and wanted to mention at one point, there were 3 roosters on the property. Tom asked Anne, when the rooster is crowing early in the morning, if it was constant once it started. Anne replied yes, and at one point at 5:00am in the morning, it was constant like every 8 seconds. Tom thanks Anne for her comments and Jack calls on Ellen for her input.

Ellen wanted to mention that the original complaints were about multiple roosters on a property on Neck Hill Road and also another property on Daniels Road. The AgComm worked with the Health Agent and Animal Inspector to get both properties down to 1 rooster each. Ellen mentioned that they have given out information on “How To Be A Good Neighbor”, but that there is nothing to require someone to do that.

Tom thanks Ellen and mentions the Rooster Permitting concept. Although the Board of Health does not yet have a town regulation, it does have the authority to act on a nuisance level. This authority does give the Board of Health the ability to take action up to the removal of the rooster itself. Tom hands it over to Vice-Chairman Greenberg.

Vice-Chairman Greenberg thanks Tom and Ellen and believes getting a Rooster Permitting process in place to have some guidelines in having roosters on the property and being a good neighbor would start. But if continuing issues arise, then perhaps Town Regulations would be the next step, but hoping that guidelines and strong suggestions would alleviate the issue. Vice-Chairman Greenberg thanks everyone for their comments and joining tonight’s meeting and moves on to the 3rd topic of the Agenda.

3rd Item on Agenda

Dumpster Regulations – Follow Up

Vice-Chairman Greenberg said he received a phone call from the property owner last Friday and both discussed the 15-Yard open dumpster on his property. The dumpster was being used for home renovations. The kitchen renovation is complete, but is currently working on a deck and siding, and once completed, the open dumpster will be removed and will be switching over to a 2-Yard dumpster with a cover for his own trash use. Vice-Chairman Greenberg reiterated to the property owner that Dumpster Regulations have been written and that they are coming, and everyone with a dumpster will have to comply with those regulations.

Jack lets Vice-Chairman Greenberg know that Tom Fichtner has his hand raised for comment. Vice-Chairman Greenberg calls on Tom.

Tom just wanted to reiterate the issue with regard to the dumpster on Inman Hill and that the issue is not with the property owner having the dumpster, it's a matter of construction/demolition debris is being comingled with household trash/waste, and not being emptied on a regular basis. With it being an open dumpster and the weather, can be attracting animals/rodents. It had been previously discussed with the property owner that there should be no comingling of construction/demolition debris with household trash/waste, and therefore should have separate trash containers on the property.

Vice-Chairman Greenberg wanted to mention that the trash hauler was notified by the Board of Health last week, to no longer empty the dumpster on town owned property adjacent to conservation land. That the dumpster was only to be changed out on private property and also instructed not to accept comingling of construction/demolition debris with household trash/waste in any dumpster in Mendon.

Jack lets Vice-Chairman Greenberg know that Ticia Lowe has her hand raised for comment. Vice-Chairman Greenberg calls on Ticia.

Ticia wanted to state that it is a public health hazard and when is the 2-yard dumpster going to show up, and what is preventing the homeowner putting household trash/waste into construction bags and still throwing them away in the 15-Yard dumpster. Vice-Chairman Greenberg said he's more than willing to have a further discussion with the home owner to get the answers to her questions.

Vice-Chairman Greenberg thanks everyone for their comments and joining tonight's meeting and moves on to the 4th topic of the Agenda.

4th Item on Agenda

Mendon's Pink Bag/Simple Recycling Update

Jack updated the Board that the Pink Bag/Simple Recycling program in Mendon is no longer available. Jack reached out to Simple Recycling due to a couple of complaints about the bags not being picked up, and was told by the CEO of Simple Recycling, that due to budgets and staffing issues, that they can no longer service the Town of Mendon. After that, Jack looked into a replacement program called CMRK out of Northborough. Jack said he wanted the Board's approval before inviting CMRK onto the next Board meeting and to be added to the Agenda. Vice-Chairman Greenberg would like to have them join the next Board meeting and asks Tom Fichtner for his thoughts. Tom would also appreciate the opportunity to speak with CMRK at the next Board meeting. Jack will schedule with CMRK.

Vice-Chairman Greenberg thanks Jack and moves on to the final topic of the Agenda.

5th Item on Agenda

Town Department's Shredding Day

Jack updates the Board that he has been approached by a few Town Departments that have a lot of documents that need to be shredded. Jack mentions that EL Harvey could do a Town Department Shredding Day, strictly for the Municipality, so no resident involvement, but obviously, there would be a cost to the Town for this. Jack is looking for the Boards thoughts.

Vice-Chairman Greenberg remembers a time where the schools needed some shredding done, but was unable to provide the services due to conflicts on the date available. If offering to the schools and other town departments, have them share in the expense of it being offered.

**** TOPICS NOT REASONABLE ANTICIPATED WITHIN 48 HOURS ****

Tom wanted to mention that the during tonight's Select Board Meeting in regard to the open position of the Board of Health Vacancy, the Select Board wanted some time to consider the topic as there is 1 candidate for the vacancy and to give some time for other candidates to apply. Tom mentioned to the Select Board of the various items that are pending in the Board of Health, including regulations, and nice to have a Full Board make the confirmation votes regarding new regulations. Tom doesn't see an issue with waiting on the confirmation of a new Board of Health Member before voting and give the new member some time to review current open items.

Vice-Chairman Greenberg thanks Tom for the update and agrees waiting a week or two in filling the vacancy.

The Board has set its next meeting date for Wednesday, July 27th at 7 PM.

Tom Fichtner calls for a Motion to adjourn tonight's BOH Meeting:

Vice-Chairman Greenberg steps down and makes the motion to adjourn the BOH Meeting. Tom seconds the motion. The motion is passed.

Roll call vote: Greenberg-Aye, Fichtner-Aye.

Meeting is adjourned at 9:18 PM.