



## **Town of Mendon Board of Health Minutes for May 7, 2014**

Chairman Andy Fiske called the meeting to order at 7:04 p.m.

Present – Vice-Chairman Jack Grenga, Thomas Fichtner BOH member. Also Missy Kakela-Bottoms, Sr. Administrative Assistant and Tom Ryder Board of Health Engineer were present. In the audience Fred Lapham of Shea Engineering, Harry Stewart of Stewart Contracting, Attorney Richard Nylen and a representative from Rodenhiser Excavating. In addition, there was also another woman in attendance whose identity is unknown.

Location – Planning Board meeting room – 20 Main Street, Mendon, MA 01756

Andy asked Jack to run the meeting for the night because the topic of the meeting involved discussing a septic system at 35 Milford Street (a.k.a. Mendon Drive-In). The course of events surrounding the septic system at 35 Milford St. took place prior to Andy's election to the Board. Jack explained that this matter was being discussed because the Board received a passing Title V inspection report which conflicts with the previously determined state of the septic system at 35 Milford Street. This septic system had already been identified as a failed system.

Jack asked Tom Ryder to give a history of the property as far as the septic system.

In 2010, the Board received plans for an IA repair.

In February 2010, the Board approved the plans pending the approval of the Board of Health engineer. The BOH Engineer, Tom Ryder, did approve these plans.

In the interim, Shea Engineering had submitted plans for an IA repair to Boston DEP for approval and it was sent to the central office in Worcester.

In March 2010, Fred Lapham of Shea Engineering, acting on behalf of the owners of 35 Milford Street property, came before the Board to request an emergency repair because the owners would like to be able to open in April. The process between the owners and DEP is still ongoing regarding the state of the IA repair since the system was originally undersized. The Board approved an emergency repair with the stipulation that Tom Ryder (BOH Engineer) would have to give his approval.

Andy asked why it was that DEP got involved in the first place. Tom R. explained it was because of the flow of water.

In April 2010, interim repairs were done and inspected by Lenny Izzo (BOH Health Agent).

In August 2010, the BOH receives a letter from DEP requesting a fact finding meeting in September 2010.

On August 25, 2010, the Board meets again with Tom Ryder, Lenny Izzo and Fred Lapham. They discussed the technical deficiencies and reaffirmed the order. This would also allow the owner to secure financing for the final repair.

Jack and Tom R. both explained that there might have been some confusion about the orders. There were two different orders, one from the Board of Health and one from DEP in Worcester. The Administrative Consent Order for the public water supply, that was issued by the DEP, included a paragraph that outlined conditions related to the septic system. The Board believed there would be two separate orders, one for the well issues and one for the septic. The order from the Board of Health is still active and enforceable. It was not rescinded by the Board. The system needs to be upgraded and brought into compliance with Title V. Right now, the system is functioning under interim measures. Under the current order, the system must be in compliance by March 2015. Tom Ryder did talk with Dave Boyer at the DEP office in Worcester this week. Because there are new owners, DEP might allow and accept what the BOH puts together. Jack said that unfortunately, the new owners are responsible for the system to be brought into compliance.

Jack asked Tom F. and Andy how they felt in terms of being up to speed with the situation since he (Jack) will no longer be on the Board next week due to his term expiring. They both agreed that they knew what they needed to know.

Tom F. inquired as to how there could be a passing Title V inspection report. Tom R. responded by stating that the problem with Title V inspection reports is that they only report a snap shot in time. It can only identify, at that moment, if a system will pass or fail. Jack made a motion not to accept the Title V inspection report done on April 14, 2014 by Salvatore Bertone at 35 Milford Street with the reason being that the septic system had already been determined to be a failed system, a failure that took place back in 2009. In addition, the system is currently working under the interim measures that had been previously documented, agreed to & signed by the previous owner. Tom F. seconds the motion. There was no discussion. All three members agreed. Motion passed unanimously.

Attorney Richard Nylen introduced himself to the Board as a representative of the new owners. He wanted to let the Board know that his clients are more than willing to work with the Board to make sure the septic system does comply with Title V. It was agreed that the engineer for the new owners, along with Tom Ryder and Lenny Izzo could get together, prior to a formal meeting with the Board, to start working on what needs to be done.

Jack raised a concern about the status of the documentation related to 35 Milford Street. It had been confirmed that this file had been viewed by several individuals but not always under supervision. Therefore, Jack made a motion that anyone who would like to view Board of Health records must do it in the presence of a Board of Health member, administrative assistant or agent. Any person reviewing Board of Health records must sign the file. Tom seconds the motion. All three members agreed. Motion passed unanimously.

Jack also made a motion to send a letter to the inspector who did the Title V inspection informing him of the Board's decision to not accept the Title V Inspection Report that was submitted based on the previous existing failed condition of the septic system at 35 Milford Street, which to this day, is still not in compliance with Title V. Tom seconds the motion. All three members agreed. Motion passed unanimously.

Jack also made a motion to send a letter to the new owners to schedule a meeting and let them know what has happened. Tom seconds the motion. All three members agreed. Motion passed unanimously.

The letter sent to the new owners will also be copied to the DEP in Worcester to the attention of Dave Boyer.

Since this was Jack's last meeting, Missy, Tom and Andy all thanked him for his time and efforts as a Board of Health member.

Jack made his final motion to adjourn the meeting. Tom seconds the motion. All members agreed. Motion carried. Meeting adjourned at 8:15 p.m.

**Approved May 28, 2014**