



**Town of Mendon
Board of Health
20 Main St. Mendon
Minutes for
September 16, 2015**

Alan Greenberg - Vice Chairman called the meeting to order at 7:00 p.m.

Present: Tom Fichtner - BOH Member; Chairman Andy Fiske arrived at 7:10 p.m.

Location – Board of Health Office– 20 Main Street, Mendon, MA 01756

Gary Smith and Anne Mazar came to talk to the Board about a project they are thinking of presenting to the Board of Selectmen. Gary is proposing the Shirley Jean Smith Agriculture and Art Center. He told the Board that he has received donations and will be seeking donations to construct a barn similar to the one on the former Cox property on George Street before it burned down. Gary expressed his view that this is very tough land to perc and his belief is that it needs to be done now in order to know if the septic system can be put in. Mr. Smith also put forth a request to the Board to approve a waiver of the Deep Hole & Percolation Test fees. The Board presented many questions to Mr. Smith relating to the purpose of the center, will it be handicap accessible, will the well need to be a public water supply, and has the Board of Selectmen given permission for the testing to be done. Mr. Smith told the Board he had talked to Kimberly Newman (Town Administrator) and she suggested a 99 year lease between the Town and the non-profit entity that would run the center.

Anne explained that a portion of the land will be leased to a farmer who will farm it and sell the produce. The barn could be used for storage of farm equipment, storage for the produce that is farmed and the barn may also be used by 4H groups for their use as well. Currently, there are no definitive plans. Gary had stated that he would also be requesting other town departments to waive fees as well. Gary is also interested in getting a waiver for the well permit and the septic plan fees in addition to the deep hole/perc fees. Mr. Smith stated that he does not want to use any town money.

The Board thanked Gary for coming and expressed support for his idea. Tom stated, with support from the other Board members, that this project would be a wonderful way to honor Shirley (Gary's mother) and be a great way to continue the rich agricultural tradition that Mendon was founded upon. The Board wanted an opportunity to discuss a bit further and stated to Gary that they would take his request under advisement.

Anne stayed to talk with the Board about Lake Nipmuc. Missy explained that she was looking at all the properties around the lake and gathering information on septic systems such as when they were last pumped, when they last had a Title V Inspection & when the systems were installed. Once all the information is compiled, Missy will forward it onto the Board for review. This season, the BOH had received very mixed testing results at the Town Beach which prompted the Board to expand testing to aid in determining if there was a pattern.

The Board will follow up with Lenny (BOH Health Agent) to have a dye test done on the beach's septic system. The Board is considering sending letters to the property owners on the lake. The Board is also looking at reaching out to the Lake Nipmuc Association as well.

Later in the evening, the Board continued to discuss Mr. Smith's proposal. Added concerns that were discussed centered around the BOS' lack of knowledge of this proposal to the BOH. They wondered if the services provided by BOH Health Agent & BOH Engineer would also be expected to be donated. Would there be any issues with either BOS or Finance Committee supporting the absorption of these expenses not to mention absorbing loss of revenue from other requested fee waivers? The Board ended the discussion leaning in the direction of suggesting to Mr. Smith that his proposal be presented to the BOS first, as they are the town leaders and given that this project is being proposed on town-owned property. If the BOS were to support an across-the-board waiver of various department fees, the BOH would support such a position. A final determination is slated for Monday at which time the Board will formulate a response to Mr. Smith.

4 Uxbridge Road – The Board will ask the BOH Health Agent to enforce the pumping records that have not yet been submitted as required by a previous communication from the Health Agent.

The Board looked over the tobacco permit application for the new owner of the General Store. Tom questioned the workers' comp. affidavit, which lists only one employee. However, on the signature page for the employees, there are two signatures. The Board did sign the permit under the condition that it not be released until the discrepancy of signatures was resolved.

35 Milford Street – The Board asked Missy to talk with Lenny and Tom (BOH Engineer) to find out what their fees will be so the Board can properly assess the correct amounts to be charged for services that will be needed during the process of installing this new septic system. This system, identified as a FAST system, is much larger and more complex than a typical home and/or commercial plan and this system would be the first of its kind installed in Mendon. Having this information in advance will allow the Board to have accurate cost information for the property owners and their agents as the process moves forward to request submittals by the drive-in for the construction schedule.

Regarding an additional matter concerning 35 Milford Street, Missy informed the Board that, in a pending law suit filed by the previous owners of the Drive-In against the Board of Health, a judgement was handed down in favor of the Mendon Board of Health. The ruling essentially supports an earlier decision by the BOH to not accept a passing Title V Inspection report that was submitted on behalf of the previous owners. It had previously been determined that the septic system was in failure and therefore, the system could not pass Title V which rendered the submitted inspection report invalid. In its verdict, the court ruled that the Board of Health acted with sound judgment and did not act arbitrarily & capriciously in rendering its decision to not accept the Title V Inspection report submitted by the former owners' inspector.

Tom made a motion to accept the minutes from May 22nd and May 27th. Alan seconds the motion. All members agreed. Motion carried.

Andy talked with the other members about allowing Missy to sign off on Installer Permits.

By doing so, the Board would not unduly hold anyone up from starting system work simply because the Board would not be due to meet again for a period of time. Andy, who has extensive personal field experience, explained that this practice is done in other towns. This process change would be of great benefit to residents & businesses without sacrificing due process as Missy would still bring any suspected issue or concern to the Board's attention. With the Board having extreme confidence in Missy's knowledge base as to what documentation is required before an applicant can obtain an Installer's Permit, Tom made a motion to allow Missy Kakela-Bottoms to sign Installer Permits. Alan seconds the motion. All members agreed. Motion carried.

Tom inquired as to whether the BOH had received any word back from the memo that was sent to the Board of Selectmen concerning meeting with them in regards to the well on the property of new Taft Library. Missy responded that no word has yet been received. As such, the Board decided to move forward with reaching out to MassDEP to determine what would formally be required to request MassDEP to reassess the well as far its status in considering this well to be a public water supply (PWS) versus being considered a private well.

Tom made a motion to adjourn the meeting. Alan seconds the motion. All members agreed. Motion carried. Meeting adjourned at 9:25 p.m.

Approved September 30, 2015