

## **Sharon Board of Health Meeting**

**May 27, 2015**

**7:00 pm**

### **Sharon Community Center**

*Attending:* Chuck Levine, Chair; Jay Schwab, Co-Chair; Luba Raynus; Ed Welch; Ken Zoller; Beverly Anderson, Health Administrator; Jim Andrews, Health Agent for Septic

*Others:* Gordon Gladstone, Sharon Standing Building Committee; Jason Clough, Diprette Engineering; David McKinley, Kaestle Boos; Peter Blumenthal

The meeting was called to order by the Chair at 7:00 pm. The minutes from the April meeting were reviewed and approved with minor edits and clarification of wording related to an annual meeting by the animal inspector with the Board of Health. Schwab moved to approve, Zoller seconded, all approved.

The second agenda item focused on testing of town beaches on Lake Massapoag. Anderson and Levine reviewed with the Board changes to state regulations in 2014 related to beach testing and the data on Lake Massapoag for almost 12 years. The changes in state regulations now allow towns or operators to keep a bathing beach open following a single sample that violates bacterial standards, as long as a sample is taken the day test results are reported. If the second sample violates state standards, the beach must be closed. Previously, beaches had to be closed immediately following identification of the first sample that violates standards. Levine asked the Board to consider following the new state standard for beach closure. Zoller moved to follow state regulations regarding testing and beach closure, and to increase testing frequency during times of high usage of the beach. Levine asked the opinion of the individual members of the Board. Schwab and Welch expressed concerns about Board responsibility and possible risk to swimmers by allowing people to swim in water with high bacterial counts. It was explained that historically very few (roughly 2%) samples that violate water standards are followed by a repeat violating sample, i.e., the contamination is transient. Anderson explained that in the event of a persistent contamination problem, the beaches would be closed. Welch also expressed concern for swimmers exposed to dirty water, and indicated he would not be in favor of adopting the new state regulations and guidance. Zoller and Raynus indicated they supported following state regulations with additional testing as required. There was discussion as to whether the beaches could be tested later in the week, e.g., Thursday or Friday, and Anderson said she would look into the issue. Peter Blumenthal indicated that Thursday testing was feasible. Levine asked for a formal vote on whether the Board of Health should following state guidelines for beach closure and once weekly testing, and to give the Health Administrator the option of carrying out a second test or more based on other criteria for recreational waters. Zoller, Raynus, and Levine voted yes; Schwab and Welch voted no,

with the proposal winning 3-2. Anderson agreed to develop a new schedule and criteria for additional testing over the coming recreational season.

Anderson then briefly went over current Sharon pool testing requirements, i.e., for total coliform and for *Pseudomonas aeruginosa*, and noted that there is no formal requirements for pools to do such testing. She also noted that state regulations do allow Boards of Health to request additional testing of pools. She briefly reviewed a fact sheet on pool testing and suggested the Board review the issue at a later date.

Levine asked that plans for the septic system of the proposed new public safety building be considered. Gordon Gladstone was introduced, and Jason Clough from DiPrette Engineering, and David McKinley from Kaestle Boos presented the proposed plans. Clough noted described the plan elements including the grease trap for the kitchen; a separate domestic sewer line; retention basin composed of sands and gravels with a deep water table; several manholes across the site; and a proposed sewer connection from one of the outbuildings. Gladstone noted that an application had been submitted to the Health Department. Zoller made a motion to accept the plans as described; Raynus seconded, all approved. Ed Welch asked for copies of plans in advance. Jim Andrews described problems with the applications and with Welch's request.

Levine asked Laura Nelson and Tiberius Hermon to present their issue regarding their property at 236 Edgehill Road in Sharon. Nelson noted that she is on her fourth term on the Sharon Finance Committee. She expressed her concern regarding the imposition of a deed restriction on the property that she and Hermon own following Board of Health approval of a septic system on 9/17/2014. Levine noted the Board always issues a deed restriction related to septic systems where a variance has been issued by the Board. In the case of 236 Edgehill Road, a variance was given in the system design to avoid a wetland on the property. Nelson argued that the DEP would require a deed restriction only if: 1) a bedroom was eliminated and; 2) if the owner wanted to subdivide. She noted that these were the only cases where DEP required the restriction. She added that she and her husband wanted the deed restriction removed for sale ability of the property, and to eliminate the need for further review of the property by the Board. Jim Andrews noted that variances were often given and deed restrictions were required for minor changes, e.g. for changes in distance of the system to a stream. Levine told Nelson and Hermann that they had two choices—either to accept the deed restriction along with approval for the current system proposal, or to allow the current permit to expire and start the process with the Board of Health again. Discussion of the home's historical status ensued. Levine contended that the deed restriction protects the property and the town. Board voted to keep the deed restriction in place. Raynus, Levine and Zoller voted to keep the restriction; Schwab and Welch abstained. The complainants were told the deed restriction would not be lifted.

The Board then considered a memorandum from Sheila Miller regarding a proposal to collaborate with Sharon public school nurses on influenza immunization clinics. The Board voted unanimously to approve Miller's participation in the clinics.

Levine turned to the agenda item related to 12 Bradford St., in Sharon. Anderson described ongoing efforts to document and correct conditions at a property at the site owned by Donald Schotz, a resident of Plymouth, MA. Anderson noted that Mr. Schotz had documented his efforts to correct violations of the housing code, and had provided target dates for completion of corrections. The Board decided to table further discussion until the next meeting.

Anderson then described concerns related to licensing of a food establishment in the town. Sharon Market had requested a review of plans to expand the current retail facility to include take-out pizza and possibly sandwiches. Anderson noted that while concerns had been voiced regarding the septic system at the site, she had not been able to find documentation of any issues. More importantly, the establishment has been licensed for 4 years as a “combined food and retail” facility. Other establishments in town with the same license include a deli, a farm serving sandwiches, a pizza place, etc. The Board discussed the issue briefly and asked for further information on the matter.

Levine brought up the issue of the codification of town regulations and review of Board of Health regulations. Anderson asked if a subcommittee to review and recommend changes to the Board could be formed. Zoller and Schwab volunteered to be on the subcommittee.

Anderson was asked to sign Jay Schwab up for the meeting at DPH regarding fluoride levels, to be held in Canton.

Future meetings of the Board of Health were set for June 23<sup>rd</sup> and July 15<sup>th</sup> of this year.

Based on concerns regarding animal inspections and permitting expressed by Ed Welch, and concerns noted by Anderson, the Board asked Anderson to request that Ed Little attend the next Board meeting.

Raynus motioned to adjourn; Welch seconded. The meeting ended at 9:30 pm.