

Board of Health Meeting Minutes

Executive Session

November 14, 2013

Present: Rich Maccagnano, Karen McManamon, Eric Dickinson and Ann McCobb. Rich called the meeting to order at 7:05 p.m. following a roll call vote.

Bill Mayer, attorney from Mayer, Antonellis, Jachowicz & Haranas, LLP, joined the meeting.

41 Pleasant Street: The Board discussed a letter that Bill Mayer drafted to send to Attorney Robert Meltzer for his clients Michael P. Healy and Catherine C. Healy. The purpose of the letter is to recognize the septic upgrade work accomplished at 41 Pleasant Street and to potentially dismiss the pending court case.

Rich Maccagnano opened the discussion saying he thinks the letter is good but he has two comments. He would like to see language in the letter addressing that the Board's "decision was made in the interest of public health," and that the home is "tenant occupied not owner occupied." Karen McManamon and Eric Dickinson both agreed with Rich. Bill said he was trying to soft pedal the public safety aspect of the issue in order to settle the case. Rich stated that the order was necessary at the time it was issued. The project was overdue but the Board recognized it was unrealistic to expect construction to begin until the drainage was cleared. He continued that the letter was sent and it accomplished what the Board wanted so there is no need to have the order stand. Rich added that the Board recognized certain weather conditions and approved variances to move the project along. Rich has no problem rescinding the order. Bill summarized that the Board would be receptive to resolving the case if a vote to revoke the order would dismiss the case.

Bill brought up the last part the case which was requesting a part of the cost of the septic project. Rich said that the Board has no authority over the drainage on the property. Bill said the lawsuit only addresses the order sent not any monetary issue. He will consider the monetary issue off the table. Bill stated that Michael Healy interprets that he has two years to fix the system according to Title 5 laws. Ann McCobb said that Title 5 allows the Board to reduce the 2 year time frame if they choose to.

Bill said he would make the two adjustments to the letter, get it to Ann and the Board can get back to him. Ann told Bill she was impressed by the subtlety and non-aggressive wording of the letter. Karen expressed the desire to wrap up the issue as quickly as possible.

Motion: Rich Maccagnano motioned at 7:18pm to end executive session for the purpose of returning to public session, seconded by Eric Dickinson. Rich Maccagnano, Aye; Karen McManamon, Aye; Eric Dickinson, Aye.

Respectfully submitted:

Lisa Deering, Health Department Clerk

Approval Date: 3/5/2015