

Executive Session

Board of Health Meeting Minutes

June 5, 2014

Present: Rich Maccagnano, Karen McManamon, Eric Dickinson and Ann McCobb. Karen called the meeting to order at 7:03 following a roll call vote.

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

41 Pleasant Street: Bill Mayer asked of the status of the septic project at 41 Pleasant Street. Ann McCobb stated that the project was all signed off and the Certificate of Compliance was issued. Bill asked if Michael Healy had made any inquiries and Ann and the Board stated none had been made. Bill presented three possible scenarios for the meeting on Wednesday, 6/11/2014.

1. The lawsuit could be dismissed.
2. It could proceed as the judge suggested. Bill writes a conciliatory letter on behalf of the Board; which he has done to bring closure to the matter. Mike received the original work order letter dated 10/12/2012, the work was done, and the documentation was signed off. Mike believes he is not at fault due to the Town's handling of the surface water and may want legal fees he has incurred from the Town. Bill referred to this fee as a "nuisance value".
3. The pending lawsuit only could proceed. Mike believes the Town caused the failure of the septic system and he wants legal cost and the cost of the repair. If this were to occur, Bill would speak to Paul LeBeau to see if the Town's insurance would cover the cost.

Bill told the Board they could have an open discussion to encourage a productive meeting. As the Board discussed the case, Rich Maccagnano questioned whether the Board did something wrong in the handling of the project. Bill said Mike feels the expression "immediate health hazard" expressed in the letter dated 10/12/2012 is inaccurate. Rich continued that the system was a hazard and should have been replaced 8 years earlier but that because of the standing water the Board did not enforce Title V and force Mike to comply at that time. He said that if Mike is concerned with the wetlands issue, it is out of the Board's hands and Mike should take it up with the Board of Selectmen. Bill said the Board should hear Mike out but that he believes Mike is looking for funding. He told the Board that executive session was not necessary and the meeting could be held in open session. The Board is not required to say anything and if the meeting goes badly the Board can end it. Ann McCobb expressed concern over the issue and believes Mike will use his response letter, dated 10/18/2012. She detailed the process by reminding the Board of the ground water testing done by Mike Graf and Dean Schofield, the frequent pumping done by Harry Kampersal of Holliston Sewer Service, and that Mike's submission to the Board was piecemeal. The project required a variance and the plan submitted had no engineering signature. Karen McManamon reminded the Board that the work order was to begin the work not to complete it.

Karen McManamon motioned to exit out of Executive Session and return to Regular Session at 7:30 p.m. Eric Dickinson seconded the motion.

Rich Maccagnano, Aye; Karen McManamon, Aye; Eric Dickinson, Aye.

Respectfully submitted:

Lisa Deering, Health Department Clerk

Approval Date: 3/5/2015