

Board of Health Meeting Minutes

April 16, 2015

Present: Rich Maccagnano, Eric Dickinson, Karen Spaziante and Scott Moles.
Rich called the meeting to order at 7:00 p.m.

Public Comment

None

Approval of Minutes

A motion was made by Eric and seconded by Rich to approve the 4/2/15 minutes. All in favor.

Approval of Bills

The following bill was approved and signed:

Century Health Systems, Inc. – VNA	\$180.00
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Health Director's Report

Rich asked Scott about several ongoing items from the Director's Report dated April 16, 2015:

Proposed Tobacco Shop: The tobacco shop is going ahead with plans to open in Holliston. At this time no tobacco permits have been applied for.

34 Rogers Road: Scott will do a pre-demolition house inspection with Peter Tartakoff, Building Inspector.

Constitution Village drainage is being reviewed by the Planning Department. As explained in the April 8th memo, Scott recommended to the Planning Board that the road surety bond include onsite roof drains as they are integral to lots and subdivision drainage.

Discussion of dog poop policies on Rail Trail

Ed Daniels and PJ Donnelly of Friends of Holliston Rail Trail were present to discuss the plan for managing the dog poop that had accumulated on the Rail Trail. Ed clarified that the Friends of the Holliston Rail Trail is a group that is separate from the Rail Trail Committee. Friends of Holliston Rail Trail are volunteers, with no funding.

PJ is a National Honor Society student at Holliston High School who has volunteered to help with this project and has researched installing waste receptacles. Ed would like the support of the DPW, Highway and the Police in the plan for Trail management.

Rich clarified that the Board's concerns were solely about the public health aspects of the dog poop on the trail and did not include the trash concerns. Rich asked PJ about the dog waste receptacles he was proposing, showing him a photo from catalog. PJ said that yes, the standard dog waste trash receptacle, attached to a pole was what he was researching. They would cost about \$60 per station,

and they were considering between 6 to 8 stations. Ed said they had the money to fund PJ installing the stations, but they needed to have an approved plan for the maintenance and waste removal before moving forward.

Scott had gotten a bid from Doody Calls, for dog waste removal for one year on this 6.7 mile Rail Trail at \$55,000. They discussed the various ways different towns had addressed dog waste management. Rich recommended that the Selectmen could send out a flier to residents, possibly connected with Town Meeting, saying "Here's your Rail Trail that you paid for. Pick up after your dog."

Rich didn't want the removal of dog waste to become a financial burden on the tax payer; that dog waste removal should be required of the dog owners. Ed said that the Friends of Holliston Rail Trail didn't have any enforcement authority. Rich mentioned that the Board could authorize some Rail Trail members as agents who could issue tickets to dog owners who failed to remove their dog's waste from the trail.

The Board told Ed of the option to enlist the help of senior citizens who provide work in exchange tax credits. Scott didn't know if there were currently seniors looking for such an arrangement, but Ed could speak with the Selectmen.

Ed said that their biggest concerns now were how to manage the number of individual waste bags at each receptacle (some towns use many bags), and how to get the waste taken away from the receptacles.

Rich asked Ed to come back to the BOH in a month with a plan that includes: 1) where to locate the waste receptacles, and 2) how to manage the waste removal, including proposed timing. Rich said the Board understood that the plan might need to be modified as they try different tactics.

The Board preferred to work with Ed to come up with a working plan, than for the Board to write a regulation. After Ed presents a plan agreeable to the Board, the Board will write a letter to the Selectmen supporting their plan.

49 Central Street

Vasu Brown was present to discuss the sign removal at 49 Central Street. Scott began by reviewing his memo dated 4-16-15 outlining the history of correspondence from 49 Central Street (attached).

Rich stated that in 2010 Vasu Brown was in front of the Board regarding a sign posting violation, and she was instructed to apply for permits to operate her business at 49 Central Street. She never got those permits. Rich explained that every business is required to get permits from the Health and Building Departments before operating a business to ensure that the site is capable of safely sustaining that business.

Vasu said that the 2010 sign was a different business that she no longer has. Vasu explained how important this current sign was to her personally, and that the removal of this sign caused her much pain. Rich and Scott apologized that they had not meant to cause her pain.

Rich explained that the sign changed her residence to a place of business. Before the sign can be posted, Vasu needs to go to the Building and Health Departments to obtain the proper permits.

The nature of signs was discussed. A resident can have a sign that states the resident's name and address; and that doesn't imply a "business." But, a sign that lists credentials or therapies implies a "business." A "business" invites the public and changes the use of the building.

Vasu introduced Steve Benoit, the representative for Vasu's contractor DeMello. Steve asked the difference between Vasu's sign and a landscaper's sign that can be posted outside a house. Rich explained that the landscaper sign was temporary, advertising a business elsewhere.

Rich said that signs were under the jurisdiction of the Building Department. The Building Department must be contacted before posting signs.

Vasu can live at 49 Central Street as a residence and she is not violating Title 5 requirements. But she must obtain the proper permits from Building and Health before she posts a business sign.

Vasu thought she could post the sign because 49 Central Street is in a commercial zone. Rich explained that being zoned commercial was good for her because she would have an easier time obtaining the required permits from the Building and Health Departments, but that didn't remove the requirement for her to obtain those permits before posting a sign.

Vasu introduced William LaBorge, her co-counselor. He read a note expressing that the taking down of the sign was not proper procedure; it was trespassing and violation of property. The Board explained that Title 5 allowed the Health Agent to enter private property to investigate a potential health violation. In the future it could have been done differently, but by taking down the sign, Scott made it so Vasu was not in violation of Title 5.

Vasu said her 1st, 5th, and 14th Constitutional Amendments and been violated by removal of the sign. Rich said if she wanted to discuss Amendment violations that the Town Council should be present.

Vasu said all she wanted was an apology and she was satisfied, and that she would not be returning. She said Steve would be getting all the required permits.

Steve said he was in the process of working with GLM Engineering for the septic issues, and an architect to upgrade 49 Central Street to be compliant with the Building and Health Department requirements. He will be coming in to get the permits in the next week.

Health Director's Report, continued

Scott continued reviewing his Director's Report:

Rabies Clinic on April 4th had successfully vaccinated 46 dogs and 35 cats.

FY'16 Budget: The revised budget had been submitted to the FinCom and we are awaiting the next meeting with them. Holliston department head meeting is scheduled for tomorrow, 4/17/15.

49 Windsor: Scott explained the extended site visit to the condominiums with mold issues. Rich said the roof was not our concern, just the interior mold. Scott further expanded that the roof as a structural element is an area of enforcement under State Sanitary Code.

Best Use Determination: sampling for testing had been done of the street sweepings at the Marshall Street landfill.

94 Union Street: Harry Kampersal had started a Title 5 inspection but the homeowner didn't want to pay for a machine to dig the hole. The homeowner dug an 8' well by hand. Scott said he needed the water elevation to determine the ground water. Rich asked Scott to write a letter to the homeowner, copying Kampersal, explaining his concerns regarding the procedures and what he needs to do to comply with Title 5 requirements to the satisfaction of the Health Department.

Board Member Comment

None

Rich Maccagnano motioned to adjourn the meeting. Karen seconded, and passed unanimously.

Respectfully submitted:

Ann Adams, Health Department Clerk

Approval Date: 5-14-15