

BOARD OF HEALTH
Ralph Jensen, Chairman
Robert Ogilvie, Clerk
Peter Marinelli, Board Member

HEALTH AGENT
Kathleen M. Waldron, RS

Town of Avon Massachusetts



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TOWN OF AVON
2023 APR 12 A 11: 14
TOWN CLERK

POSTED IN ACCORDANCE WITH THE PROVISIONS OF MGL 30A S18-25

Board of Health March 9, 2023 4:30 PM MINUTES

This meeting was hybrid. All board members met in person. Meeting called to order at 4:33PM

Present: Chairman, Ralph Jensen; Clerk, Robert Ogilvie; Member, Peter Marinelli; Kathleen Waldron, Health Agent and recording secretary; Sharon Simon, Board of Health Administrative Assistant; Jeffrey Tibnam, resident; Simon Chawah, owner of Avon Gas and Service; Peter Patel, owner of A1 Market; Sheri Roberts, A1 Market; Kevin Reilly, Esq., A1 Market; Leah Jones, A1 Market. Joined via zoom; Peter Lyons, Collins Civil Engineering Group; Anthony Esposito, J.K. Holmgren Engineering; Jason Youngquist, Outback Engineering; Emmanuela Isidor, ACES Prevention Coordinator; Noeme Fils-Aime, resident; Gwaishmee Cherilus, resident; Stephanie Dawes, resident and Amara Rodrigues, resident.

New Business

- **Title 5 Local Upgrade Request for 15 Overlook Road, Collins Civil Engineering Group, Inc.**
The proposed plan is to replace this failing septic system serving this five bedroom dwelling with no plan to increase the flow of the system. Three local upgrade approvals were requested. The first request is a local upgrade in accordance with DEP Policy #BRP/DWM/Pep-POO-1 allowing a percolation rate to be established via grain size distribution analysis. The second request is a local upgrade from section 310 CMR 15.211 of the State Sanitary Code which requires a minimum twenty (20) foot setback from a foundation wall to a soil absorption system. A local upgrade approval allowing a reduction from twenty (20) feet to six (6) feet is requested. Lastly, a local upgrade from section 310 CMR 15.211 of the State Sanitary Code which requires a minimum fifty (50) foot setback from a wetland to a soil absorption system (SAS). A local upgrade allowing a reduction from fifty (50) feet to a minimum of thirty three (33) feet is requested. A liner will be provided around the entire system.
Prior to issuing a permit to begin work on the installation of this septic system, a deed restriction must be filed with the registry of deeds. The restriction must state that this dwelling shall not exceed a five-bedroom dwelling and that a garbage grinder shall not be used on any fixture.
Mr. Ogilvie made a motion to approve the three local upgrades and the plan as presented with a deed restriction. Mr. Marinelli seconded, all in favor.
- **Title 5 Local Upgrade Request for 73 North Main Street, Collins Civil Engineering Group, Inc.**
The proposed plan is to replace this failing septic system serving this four bedroom dwelling with no plan to increase the flow of the system. Three local upgrade approvals were requested. The first request is a local upgrade in accordance with DEP Policy #BRP/DWM/Pep-POO-1 allowing a percolation rate to be established via grain size distribution analysis. The second is a local upgrade from section 310

CMR 15.211 of the State Sanitary Code which requires a minimum fifty (50) foot setback from a wetland to a soil absorption system (SAS). A local upgrade allowing a reduction from fifty (50) feet to a minimum of thirty four (34) feet is requested. A liner will be provided.

Prior to issuing a permit to begin work on the installation of this septic system, a deed restriction must be filed with the registry of deeds. The restriction must state that this dwelling shall not exceed a four-bedroom dwelling and that a garbage grinder shall not be used on any fixture.

Mr. Marinelli made a motion to approve the two local upgrades and the plan as presented with a deed restriction. Mr. Ogilvie seconded, all in favor.

- **Title 5 Local Upgrade Request for 16 Pratt Street, J.K. Holmgren Engineering, Inc.**

The proposed plan is to replace this failing septic system serving this two family four bedroom dwelling with no plan to increase the flow of the system. A local upgrade from 310 CMR 15.212 Section (1)(h) to reduce the separation from the seasonal high ground water to the bottom of the soil absorption system from four (4) feet to three (3) feet was requested.

The existing laundry system for this dwelling needs to be located and laundry will need to properly be connected to the new system (if not already).

Mr. Ogilvie made a motion to approve the local upgrade and the plan as presented. Mr. Marinelli seconded, all in favor.

- **Title 5 Local Upgrade Request for 2 Keefe Avenue, Outback Engineering, Inc.**

The proposed plan is to replace this failing septic system serving this three bedroom dwelling with no plan to increase the flow of the system. One local upgrade was requested per 310 CMR 15.405(1)(h) looking for a reduction in the minimum separation to groundwater from five (5) feet to four (4) feet. This reduction will allow for the construction of new septic system and not create a “mounded” system in the back yard. This will keep storm water runoff from being directed towards the existing foundation or block runoff by the grading required for the proposed septic system trapping runoff along the existing foundation.

Mr. Marinelli made a motion to approve the local upgrade and the plan as presented. Mr. Ogilvie seconded, all in favor.

- **Tobacco Violation of 284 East Main Street**

During a compliance check, this establishment sold to a minor. This is the second violation within a year. The first was on June 29, 2022 when tobacco was sold to a minor during a compliance inspection. After discussion with Mr. Simon and the Board of Health, Mr. Ogilvie made a motion to fine Avon Gas and Service \$2,000.00 and to suspend their permit for seven (7) days, From Friday March 10, through March 17. Shall a third violation occur in 36 months, this establishment may be fined \$5,000.00 and a permit suspension of thirty (30) days.

- **Tobacco Violation of 85 East Main Street**

During a compliance check, this establishment sold to a minor. This is the fourth violation within a year and this establishment has been brought before the Board of Health multiple times. The Health Agent recommends the Board of Health follow through from warning this establishment was given in December when the owner was told if there is to be another violation, then the Board of Health will permanently revoke the tobacco permit for this establishment. There was a lot of discussion about the process of compliance checks, about what number violation this is and that this is not the same as a violation for flavored products so that it should be considered a different violation. There were questions about what code was being followed and inconsistencies. The owner explained that there are now systems in place that will scan ID's so that this will not happen again. There was also talk about the product that had been sold and if it was a tobacco product. Ms. Roberts stood up at the meeting and stated that “Kathleen has an agenda when it comes to Peter”. She went on further to say that we still don't know where the anonymous email came from, that maybe the Health Agent wrote it and that this should be treated as a separate violation of selling to a minor and not with the other violations. Ms.

Roberts stated the Kathleen hates Mr. Patel so much, she discriminated against him, she has it out for him and she cannot do her job objectively when it comes to Mr. Patel. Ms. Jones spoke about being a witness to the inspection in December, when the Health Agent was unprofessional and called Mr. Patel a liar. Ms. Jones was very upset and stated how she should not have talked to Mr. Patel in the manner that she did. The Health Agent apologized to her, she never intended to insult or upset anyone and tried to explain her frustrations with this situation and that was why she acted the way she did. Mr. Jensen reminded everyone that we are here about violations that were made, not the people who are involved. There was more discussion about the history of the violations and what number violation this should be considered. The Board brought up the idea of postponing this hearing, for the Health Agent to follow up with Town Council to ask some questions and to reach out to the person who performs the compliance checks to get some more information about why establishments are not immediately notified, and receipts are not asked for. It was brought up that the business is in the process of being sold to Mr. Patel's wife. Mr. Patel indicated that he would be the person filling out the application on his wife's behalf and submitting the application to the Board of Health. Mr. Marinelli made a motion to table this decision and hold another meeting on March 15 at 4:00PM, Mr. Ogilvie seconded, all in favor. Mr. Jensen acknowledged that the Board will not tolerate any more attacks or deformation of character.

- **Community Clean Up Day**

The Board decided to have this event on May 13, 2023. The Health Agent was contacted by a Nation Honor Society Student to help with the event.

- **Animal Inspector coverage for Holbrook**

The Health Agent will no longer be covering for the vacancy of the Animal Inspector in Holbrook until the position is filled. Once the position is filled, the Avon Health Agent is willing to be a back up again.

- **Health Agent Report**

See attached.

Old Business

- **FY2024**

No discussion.

- **Shed for the Compost Site**

No discussion.

Approval of Minutes

- Minutes from February 9, 2023- Mr. Ogilvie made a motion to approve minutes. Mr. Marinelli seconded, all in favor.

Next Meeting:

- Wednesday March 15, 2023 at 4:00PM

Mr. Marinelli made a motion to adjourn. Mr. Jensen seconded, all in favor. Meeting adjourned at 6:45PM

ATTEST: 

DATE: 4/4/2023