

**BOARD OF HEALTH**  
Ralph Jensen, Chairman  
Robert Ogilvie, Clerk  
Jeffrey Tibnam, Board Member

**HEALTH AGENT**  
Kathleen M. Waldron, RS

# Town of Avon

## Massachusetts



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TOWN OF AVON  
2023 OCT 13 A 8:41  
TOWN CLERK

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

### Board of Health September 13, 2023 5:00 PM MINUTES

**This meeting was hybrid. All Board Members met in person. Meeting called to order at 5:02PM**

**Present:** Chairman, Ralph Jensen; Clerk, Robert Ogilvie; Member, Jeffrey Tibnam; Kathleen Waldron, Health Agent and recording secretary; Patrick Carrara, PMP Consulting Inc; Peter Lyons, Collins Civil Engineering Group; Yomi Ayoola, Olu's African Market.

#### **New Business**

- **Title 5 Local Upgrade Request for 225 East Spring Street, PMP Consulting Inc.**

The proposed plan is to repair the failing septic system serving this four (4) bedroom, two family dwelling with no plan to increase the flow of the system. One local upgrade was requested from Section 310 CMR 15.212 of the State Sanitary Code A local upgrade approval from 310 CMR 15.405(1)(h) to reduce the five (5) foot separation from the bottom of the proposed leaching chamber system to four (4) feet with 4.22 feet provided per design. This local upgrade is being requested to eliminate the need for a pump chamber and a retaining wall around the septic tank, and to allow for the connection of the interior plumbing to a new septic tank.

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

- **Title 5 Local Upgrade Request for 15-17 East Main Street, PMP Consulting Inc.**

While the septic tank was being installed for this system, the installer encountered a large boulder or ledge in the area the tank was supposed to be. After consulting the engineer, the installer slid the tank towards the neighbor's property. Due to this field change, the tank is now eight (8) feet from the property line instead of ten. The engineer is requesting that the Board of Health approve the location of the septic tank as shown and a Local Upgrade for the property setback to be 8.2 feet. The Health Agent will notify the affected neighbor by sending a letter and allowing ten days to respond. If no objections, the tank will stay as located during the installation.

Mr. Tibnam made a motion to approve the local upgrade with the understanding that the neighbor is notified, and they have ten days to respond. Mr. Ogilvie seconded, all in favor.

- **Title 5 Local Upgrade Request for 44 Gill Street, Collins Civil Engineering Group, Inc.**

The proposed plan is to repair the failing septic system serving this three (3) bedroom dwelling with no plan to increase the flow of the system. Two local upgrades were requested from Section 310 CMR 15.212 of the

State Sanitary Code. The first is a local upgrade approval from Section 310 CMR 15.212 of the State Sanitary Code which requires a minimum five (5) foot vertical separation between the high ground water elevation and the bottom of the soil absorption system with a percolation rate less than two (2) minutes per inch. A local upgrade allowing a reduction from five (5) feet to four (4) feet was requested. The second request is for a variance in accordance with DEP Policy #BRP/DWM/PeP-POO-1, allowing a percolation rate to be established via grain size distribution analysis was requested.

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

- **Title 5 Local Upgrade Request for 30 McCoy Street, Collins Civil Engineering Group, Inc.**

The proposed plan is to upgrade the septic system serving this five (5) bedroom dwelling with no plan to increase the flow of the system. A request for a variance in accordance with DEP Policy #BRP/DWM/PeP-POO-1, allowing a percolation rate to be established via grain size distribution analysis was requested.

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

## **Old Business**

- **Updates to the compost site**

All the parts for the fence to be replaced have been delivered. The DPW will be replacing and fixing the old fence. New A-frame signs were made for the textile bin and the electronics bin. The mercury shed had signs placed inside for proper disposal of items and was reorganized. There is power available at the pole on the street to bring to the shed; a trench with a conduit was added to the shed. An electrician will be hired to run the power. The Health Agent spoke with the DPW about adding more gravel to another area to collect tires. The Health Agent has been looking into placing a dumpster at the compost site for residents to bring municipal waste.

- **Repeated violations at 157 Main Street**

During a follow up inspection on September 12, 2023 by ALSCO, the Board of Health was notified that there was a Home Depot rented truck with an abundance of frozen food stored in the truck and food being placed on the sidewalk. While going through the food, a large portion of the food was defrosted, including fish, snails and periwinkles. Inside, there were multiple items found again without labels, there was no soap in the bathroom again and the food preparation area was unorganized. The establishment was closed down and asked to attend the Board of Health meeting to discuss why these violations keep occurring. After much discussion with the owner of the establishment, by September 29, 2023 the following needs to be corrected:

- All food products must be labeled properly.
- All food products must be packaged properly. No plastic grocery bags full of food, no ripped or torn packages, etc.
- Sanitizer and test strips should be readily available for use. Sanitizer buckets with wipes shall be readily available to sanitize the food preparation area.
- A designated area to dry dishes must be kept clean and clutter free.
- The bathroom must have soap, toilet paper and provisions for drying hands at all times.
- No food products shall be stored directly on the floor. All products must be six (6) inches off the ground and you should be able to clean under the shelves.
- Area to prepare food products shall be kept clean and organized.
- Light casings in the ceiling lights need to be replaced.
- Lights must be added to the back storage/office space.
- The ceiling and walls in the food preparation area needs to be installed so that there are no holes, gaps or large openings. Any stained tiles should be replaced throughout the establishment.

- All storage areas need to be cleaned and organized so that boxes are not stacked on top of each other or on the freezers and a person can easily walk through all areas. All food products should be stored higher than packaging equipment, chemicals or cleaners. Microwave should not be stored on top of freezer. Freezers shall be kept in a way that all doors and tops can easily open without moving items on top of them or in front of them.
- If you choose to keep the microwave in the establishment for employee use, it shall be kept away from food preparation area and food storage.
- Carpet to be removed and replaced with a floor than can be easily cleanable.
- Frozen food products shall no longer be delivered in a non-refrigerated truck. All deliverers shall be made directly from the store they were purchased to your establishment. The delivery must be made while an employee is present at the establishment so that food can be immediately brought inside and placed in freezers. Food products should not be on the sidewalk for extended periods of time. You mentioned at this meeting you were going to obtain a refrigerator van for this establishment.
- Two bay sink shall be labeled for washing and sanitizing.
- No outside equipment or food shall be stored in this establishment. For example, the cooler that was a friend's that was in the back storage area on top of a freezer or the fish that was observed stored on top of food products for sale in the freezer. If you are going to store food for customers to be picked up at a later time, you shall have a designated area separate from food for sale. That area shall be kept in a way that food can properly be stored and kept at the correct temperature.
- A hot plate shall not be used in this establishment,
- When repackaging frozen food, this shall be done in a way the food remains fully frozen. Discussed taking out smaller portions at a time to repackage.
- The quantity of food in the establishment should be reduced so that freezers are not over stocked and the products are not stacked too high on the shelves in the store.
- All staff shall be certified food handlers.
- All staff shall be made aware of how to package, label and store food properly.

Mr. Ogilvie made a motion that all items must be corrected by September 29, or the establishment is to be closed until everything is completed. Mr. Tibnam seconded, all in favor. Establishment may open tomorrow after Health Agent makes an inspection. In the meantime, the Board of Health will begin looking into a fine structure for establishments who continue to have repeat violations.

- **Preparation of waste hauler contract**

The Board discussed making some changes, adding bulk collection limits, rejecting load stickers, reports at the end of the day of why items were rejected, and monthly tonnage reports. We are looking to get a proposed contract back from Republic.

- **Hauler and Mandatory Recycling Regulations**

Discussed mandatory recycling for residential and commercial units in Avon. Will draft regulations for the Board to look at in the next meeting.

- **Health Agent Report**

See attached.

## **Other**

- **Warrant Approval**

A warrant in the amount of \$53,517.78 was approved for FY2023 payment.

- **Passport Program**

The Board of Health is participating in the Passport to Avon program being put on by the Town Clerk's office. We purchased recyclable totes to hand out at the compost site and filled them with some recycling information.

**Approval of Minutes**

- Minutes from August 10, 2023 - Mr. Ogilvie made a motion to approve minutes. Mr. Tibnam seconded, all in favor.

**Next Meeting:**

- Thursday October 12, 2023, at 5:00PM.

Mr. Tibnam made a motion to adjourn the meeting at 6:45PM. Mr. Ogilvie seconded, all in favor.

ATTEST: 

DATE: 10-12-23