

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

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

# Town of Avon

## Massachusetts



TOWN OF AVON  
2023 JUN -9 A 8:26  
TOWN CLERK

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### Board of Health May 11, 2023 4:30 PM MINUTES

This meeting was hybrid. All Board Members met in person. Meeting called to order at 4:30PM

**Present:** Chairman, Ralph Jensen; Clerk, Robert Ogilvie; Member, Jeffrey Tibnam; Kathleen Waldron, Health Agent and recording secretary; Sharon Simon, Board of Health Administrative Assistant; Peter Lyons, Collins Civil Engineering Group; Patrick Carrara, PMP Consulting Inc.

#### New Business

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

The proposed plan is to replace the failing septic system serving this existing four (4) bedroom, two family dwelling with no plan to increase the flow of the system. Three local upgrade approvals were requested from the State Sanitary Code. The first from 310 CMR 15.405(1)(h) to reduce the four (4) foot separation from the bottom of the proposed leaching chamber system to three feet with 3.08 feet provided per design. This local upgrade is being requested to eliminate the need for a pump chamber and retaining walls around the soil absorption system (SAS). The second request is from 310 CMR 15.405(1)(i) to allow the use of a sieve and hydrometer lab test results in lieu of and in place percolation test, this is in accordance with DEP Policy #BRP/DWM/Pep-POO-1. A percolation test could not be performed due to the water table observed at the time of the soil testing. Lastly, a request from 310 CMR 15.225(5) to reduce the five (5) foot lateral distance of the removal of unsuitable soil to one (1) foot as shown on the design plan due to the close proximity of the existing garage.

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 102 West High Street, Collins Civil Engineering Group, Inc.**

The proposed plan is to replace the failing septic system serving this three (3) bedroom dwelling with no plan to increase the flow of the system. One local upgrade approval from section 310 CMR 15.212 of the State Sanitary Code, which requires a minimum four (4) foot vertical separation between the high ground water elevation and the bottom of the soil absorption system with a percolation rate greater than two (2) minutes per inch, allowing a reduction from four (4) feet to three (3) feet was requested.

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

- **Title 5 Local Upgrade Request for 22 South Street, Collins Civil Engineering Group, Inc.**

The proposed plan is to replace the failing septic system serving this existing four (4) bedroom dwelling with no plan to increase the flow of the system. Two local upgrades were requested. The first request is 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 absorptions system (SAS). A local upgrade approval allowing a reduction from twenty (20) feet to nine (9) feet was requested. A liner will be provided around the system between the foundation and the SAS. The second request was from section 310 CMR 15.211 of the State Sanitary Code which requires a minimum ten (10) foot setback from a foundation wall to a septic tank. A local upgrade approval allowing a reduction from ten (10) feet to six (6) feet is requested. A deed restriction must be executed and recorded at the Registry of Deeds that states the property must not exceed a four-bedroom dwelling for as long as this system is in use and that a garbage grinder may not be used or installed on the premises.

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 152 East Spring Street, Collins Civil Engineering Group, Inc.**

The proposed plan is to replace the failing septic system serving this existing multi-family, six (6) bedroom dwelling. Three local upgrades were requested. The first request is in accordance with DEP Policy #BRP/DWM/PeP-POO-1, allowing a percolation rate to be established via grain size distribution analysis. The second local upgrade is 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 absorptions system (SAS). A local upgrade approval allowing a reduction from twenty (20) feet to ten (10) feet was requested. A liner will be provided around the system between the foundation and the SAS. The third request was from section 310 CMR 15.212 of the State Sanitary Code which requires a minimum four (4) foot vertical separation between the high ground water elevation and the bottom of the soil absorption system with a percolation rate greater than two (2) minutes per inch, allowing a reduction from four (4) feet to three (3) feet was requested. A deed restriction must be executed and recorded at the Registry of Deeds that states the property must not exceed a six (6) bedroom dwelling for as long as this system is in use and that a garbage grinder may not be used or installed on the premises.

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

- **Application for a Tobacco Product Sales Permit at 490 West Main Street**

The Board of Health received an application for a new tobacco retail store. The owner, Mr. Aslam, was present at this Board of Health meeting. A tobacco retail store is an establishment which is not required to possess a retail food permit, whose primary purpose is to sell or offer for sale to consumers, but not for resale, tobacco products and paraphernalia, in which the sale of other products is merely incidental, and in which the entry of persons younger than 21 years of age is prohibited at all times, and maintains a valid permit for the retail sale of tobacco products as required to be issued by the appropriate authority in the city, town, or other legally constituted governmental unit within the Commonwealth where the establishment is located. The board discussed with the applicant the importance of checking identifications, the store hours (Monday through Saturday from 10AM-8PM), that there will be no consumption of the product on the premise and that all state and local regulations must be followed.

Mr. Ogilvie made a motion to approve the permit for the adult only retail tobacco store. Mr. Tibnam seconded, all in favor.

- **Revising the Regulation of the Avon Board of Health Restricting the Sale of Tobacco Products**

The Board reviewed the draft of the proposed changes. In section D.2(c), we would like to remove "and those adult-only retail tobacco stores that allow for onsite consumption". In section E.2: we will add a sentence about any applicant must come before the Board of Health "As part of the Tobacco Product Sales Permit application process, each applicant must come before the Board of Health prior to any issuance of permit to review and discuss the application, regulations and procedures." In the violation section, the Board wants to combine the Avon violations with the State and follow the State violation. The health agent will



reach out for clarification on the violations of selling to a minor. These regulations will be reviewed at the next Board of Health meeting.

- **Fees for bulk items at the compost site**

Republic Services has increased the curbside pickup fees from \$32.00 to \$35.00 beginning July 1, 2023. The Board discussed raising the fee to bring items to the compost site from \$32.00 to \$35.00. At this time, the fee will remain at \$32.00 for each item to be disposed of in the dumpster at the compost/recycling site.

- **Increase compost site hours**

The FY2024 budget for the compost attendant was increased by \$3,000.00. The Board discussed increasing the hours the compost/recycling site is open. At this time, the hours will remain the same. The site is open Wednesday, Saturday and Sunday from 9:00AM to 2:00PM.

- **Updates to the compost site (fence, shed and power)**

The shed should be delivered toward the end of May. Quotes from two companies were received and reviewed. The health agent also spoke with the assistant DPW director who thinks the DPW can repair the fence. The Board would like the DPW to fix the fence. The health agent will start working on getting power to the site.

- **Curbside textile vendors**

Simple recycling is no longer collecting textiles at the curb for residents. The health agent has been in touch with two other companies who would resume this service. She will obtain more information such as what the length of the contract would be, if this will cost anything down the road, can this be canceled at any time and what the schedule would look like. The Board would also like to see what other communities are providing for curbside service and what companies are being used.

- **5G Networks**

The Board discussed the potential risks of having a 5G Network tower in Avon. There was talk about placing one on Rock Street. Recently, there has been a court case of Gilardi vs. the Town of Pittsfield for the negative effects of placing a 5G tower in a neighborhood. The Health Agent reached out to Mike Hugo, the attorney who presented this situation to a MAHB seminar that Mr. Jensen and Ms. Waldron attended. If information is sent, Ms. Waldron will share with the Board.

- **Disclosure by non-elected municipal employee**

The Health Agent submitted a disclosure form because her sister had started a mobile coffee business. See attached form.

- **Health Agent Report**

See attached.

## **Old Business**

- **FY2024**

No new information.

- **Housing and Septic Violations – 1 Robbins Street**

The septic system serving this property has failed. The owner is aware and realizes the system will need to be replaced. Prior to replacement, the water usage needs to be controlled. Currently, this dwelling is using more than 2,000 gallons of water per day. The septic system was only designed for 660 GPD and the deed restriction on the house is for 400 GPD. The health agent will work with the owner and water department to obtain monthly water meter readings to monitor the usage. The owner has made progress in cleaning up the yard and all the trash.

- **COVID Clinic and Dementia Friendly Community Event**

The health agent has been working with the Council on Aging to host a Dementia Friendly Community Event to take place on May 15<sup>th</sup> from 4PM-6PM. This will be the kick off to Avon recently becoming a dementia friendly community. We are planning to have information about dementia available, a video that explains what dementia is, community partners who can support anyone who knows someone with dementia, snacks and the Red Sox trophy will be on display. Postcards were sent to every household in Avon informing residents that Avon is a Dementia Friendly Community and that this event will be taking place (see attached). In conjunction with this kickoff, there will be a COVID vaccination clinic in the Mary McDermott room from 2-4:30PM, all are welcome to attend these events.

- **Community Clean Up Day**

Community Clean Up will take place on May 13, 2023 from 9-11:30AM. The Health Agent has been working with a student from the National Honor Society. Hopefully this joint effort will get more residents involved. Republic Services has donated four Red Sox tickets for a raffle to all those who participate.

**Correspondence**

- **Letter from Nation Grid (April 25, 2023)**  
See attached.

**Other**

- **Warrant Approval**  
A warrant in the amount of \$72,672.22 was approved for FY2023 payment.
- **Reorganization and vacancy of the Zoning Board of Appeals**  
Mr. Ogilvie made a motion to make Mr. Jensen the chairman of the Board of Health. Mr. Tibnam seconded, all in favor.  
Mr. Ogilvie made a motion to appoint Mr. Tibnam as the Board of Health representative to the Zoning Board of Appeals. Mr. Jensen seconded, all in favor.  
Mr. Jensen made a motion to make Mr. Ogilvie the clerk of the Board of Health. Mr. Tibnam seconded, all in favor.
- **Time of the Board of Health Meetings**  
Going forward, board meetings will start at 5:00PM.

**Approval of Minutes**

- Minutes from April 6, 2023 - Mr. Jensen made a motion to approve minutes. Mr. Tibnam seconded, all in favor.

**Next Meeting:**

- Thursday June 8, 2023 at 5:00PM

Mr. Jensen made a motion to adjourn the meeting at 7:00PM. Mr. Tibnam seconded, all in favor.

ATTEST: 6-8-23  
Kato Ogilvie

DATE: