

BOARD OF HEALTH
Gerald Picardi, Chairman
Robert Ogilvie, Clerk
Ralph Jensen, Board Member

HEALTH AGENT
Kathleen M. Waldron, RS

Town of Avon Massachusetts

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Board of Health
September 19, 2019
6:30 PM
MINUTES

TOWN OF AVON
2019 OCT 18 A 11:08
TOWN CLERK

Meeting called to order at 6:30PM

Present: Chairman, Gerald Picardi; Clerk, Robert Ogilvie; Board Member, Ralph Jensen; Kathleen Waldron, Health Agent and recording secretary; Peter Lyons, Collins Civil Engineering Group; Brian Donahue, Goldman Environmental Consultants; John Cuming, owner of 225 Bodwell Street; Peter Patel, owner of A-1 Market.

New Business

- **Title 5 Local Upgrade Request for 3 Leo's Lane, Collins Civil Engineering Group**

The proposed plan is to replace the existing failing septic system of this five-bedroom dwelling. There is no plan to increase the flow to the system. The plumbing will have to be re-routed, but the system will remain a gravity system. There will be a 2000-gallon septic tank and a 19' by 25' bed of quick 4 chambers. The engineer is requesting two local upgrade approvals. The first is a request 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 minutes per inch. A local upgrade approval allowing a reduction from five feet to four feet is requested. A liner will be provided around the field. The second is a variance in accordance with DEP Policy #BRP/DWM/PeP-POO-1, allowing a percolation rate to be established via grain size distribution analysis. A crush stone discharge area for the sump pump is also on the plan.

Mr. Ogilvie made a motion to approve the local upgrades requested and the presented plan dated August 28, 2019. Mr. Jensen seconded; vote carried unanimously.

- **Title 5 Local Upgrade Request for 6 Ivy Road**

The proposed plan is to replace the existing failing septic system of this three-bedroom dwelling. There is no plan to increase the flow to the system. The system will have a pump chamber. The engineer is requesting a reduction from the required 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 minutes per inch. A local upgrade approval allowing a reduction from four feet to three feet is requested. The engineer was not present at this meeting. The Health Agent had reached out to him to

answer questions about the plan with no response yet. The Health Agent request that the Board approve the upgrade tonight anyway because of the condition of the failing septic system.

Mr. Jensen made a motion to approve the upgrade and approve the plan after the Health Agent has had questions answered. Mr. Ogilvie seconded; vote carried unanimously.

- **225 Bodwell Street Septic System**

The septic system at this property had two Title 5 Inspections made, one in March and the other in April of 2019. In May, the Health Agent met Paul Hurley (who had submitted the passing Title 5 Inspection) on site and they observed water in the soil absorption system (SAS). Another meeting was held on site with Paul Hurley, John Cuming, Brian Donahoe (of Goldman Environmental Consultants, Inc) and Paul Mamane (the prospective buyer) in June. At that time, water was still in the bottom of the SAS. Mr. Donahoe proposed to install a drain around the property to attempt to mitigate the ground water from the bottom of the SAS. The Health Agent stated the drain can be installed, but another Title 5 inspection shall be made six months after the installation to determine the effectiveness of the drain, all parties agreed. The drain was installed in August by JFD Corporation, the same company that installed the septic system. After the installation, Mr. Donahoe reached out to the Health Agent to see if the Title 5 inspection could be done immediately for the building to be sold. The Health Agent responded that she would not agree expedite the Title 5 Inspection, but if the owner wanted to, he could come before the Board of Health. Mr. Cuming requested to be heard before the Board. He and Mr. Donahoe were present at the Board of Health Meeting. Mr. Cuming explained that the driving force behind having a Title 5 Inspection done quickly was because the buyers bank will not finance until there is a passing Title 5 Inspection. Mr. Donahoe explained that the reason for the failure of the system was due to the gutter downspouts draining into the parking lot and that the rainfall was 19 inches above normal in March and April of 2019. The observation port had sunk into the pavement overtime allowing additional water to enter into the SAS. He went on to explain that a French drain was installed to cut off the ground water and keep it from flowing under the septic system. A summary from Mr. Donahoe was handed out to the Board Members (see attached). Also handed to the Board members was a letter from Anthony Esposito (see attached). Mr. Donahoe mentioned the soils are tight around the field, but this drain will ensure the field will never flood again. He proposed the system is hydraulically loaded and run the pump for a couple days to see how the system performs. The Health Agent stated, at this time, that was not the concern. The concern is that there is ground water in the bottom of the field. Mr. Donahoe states that now that the drain is in place, there will never be ground water in the bottom of the system. The Board discussed having Walter Hermenau make the Title 5 Inspection and determine there is no groundwater in the bottom of the system.

Mr. Jensen made a motion that a Title 5 Inspection may be made now of the septic system on the property of 225 Bodwell Street. If that Title 5 Inspection passes, an additional Title 5 Inspection shall be made in six months from the date of that Title 5 Inspection. If the building is sold, it shall be the responsibility of the new owner to have a Title 5 Inspection made. Mr. Ogilvie seconded the motion. No further discussion, all in favor.

- **Sweet Tobacco Products**

The Health Agent purchased multiple tobacco products and had the Board open and smell them. After much discussion, the Board decided that flavored tobacco products are products with an actual flavor in the name (i.e, raspberry, blueberry, grape) not anything labeled as sweet or colors (i.e. Jazz, Blue, Green, Silver).

Old Business

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

This is a continuation from a hearing on August 9, 2019. This establishment was found to be in violation of selling tobacco products to a minor and selling flavored tobacco products. This is the second violation in six months. The owner is asking that the Board not suspend his permit for seven days and if he is found

in violation again, he will lose the permit for thirty days. The violation occurred because the owner was in the hospital and had a new employee working for him. The owner has installed a new system that asks if ID was checked every time a tobacco and liquor sale is made. The license does not get scanned and the employee does not have to enter the date of the ID, but it is reminding the employee to ask for the ID. The Board discussed the suspension of the permit and agreed to not enforce the 7-day suspension. The Health Agent still disagrees with this decision.

Mr. Ogilive made a motion that the Board will not suspend the tobacco permit for seven days. If the establishment is found to violate any part of the Regulation of the Avon Board of Health Restricting the Sale of Tobacco Products before June 29, 2021, the establishment's permit to sell tobacco will be suspended for thirty (30) days. If within two years from that violation another violation is made, the establishment will lose their permit indefinitely. The Health Agent will write a letter to the establishment and obtain the owner signature of this arrangement. Mr. Jensen seconded. No further discussion, all in favor.

- **Policy for Additional Trash**

The Health Agent reached out to Waste Management to see what other towns are doing for additional trash. Heather Louro, from Waste Management mentioned that's a 10yd trash dumpster could be placed somewhere in town. Residents could bring any additional trash to this dumpster. The Health Agent did not think this was the best idea because of overflow and maintenance. Another option Ms. Louro gave was to have excess pay as you throw (PAYT) overflow bags. If the Board decided to do that, Waste Management may need to change the type of truck that is used and could add additional costs to the town. At this time, the Board does not want to take any action.

- **EEE**

Avon remains at moderate risk level. Residents need to take personal precautions by avoiding activity between dusk and dawn. They should protect themselves by wearing long sleeves and pants and using repellent with DEET. Residents can help prevent mosquitoes from laying eggs in town by removing any stagnant water around their house. Mosquitoes only need a bottle cap full of water to lay their eggs.

- **Prevention Coordinator Position**

Position has been posted internally. Have not received any applications at this time.

- **Tobacco Compliance Checks**

The Health Agent followed up with Bob Collett, who organizes the compliance checks for permit holders in Avon. Mr. Collett explained that the reason permit holders are not notified at the time of the violation is due to those owners potentially notifying other establishments in town that the compliance checks are happening. He did say that after all compliance checks were complete, he would be willing to go back to the establishments found in violation and let them know there was a violation. The Board would like to see this happen at the next compliance check.

Correspondence

- **Mint and Menthol and Vaping**

The Health Agent reached out to Lester Hartman, but has not heard anything back.

Other:

- A warrant in the amount of \$72,930.32 was approved for FY2020 payment.
- Bulk collection day will be November 8, 2019.
- Flu clinics will be held on September 24 from 12-4:30 and October 10 from 4-8.

- Household hazardous waste day will be on October 26 from 9-12.

Approval of Minutes:

- Minutes from August 8, 2019 – Mr. Ogilvie moved to approve the minutes as drafted. Mr. Picardi seconded, all in favor.

Next Meeting:

- Thursday October 17, 2019 at 6:30PM in the Board of Health Office.

Adjourned at 8:46 PM

ATTEST:



DATE:

10-17-19