

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

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

# Town of Avon

## Massachusetts



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TOWN OF AVON  
2022 JAN 19 A 8:46  
TOWN CLERK

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

**Board of Health**  
**December 9, 2021**  
**4:30 PM**  
**MINUTES**

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

**Present:** Chairman, Robert Ogilvie; Clerk, Ralph Jensen; Member, Peter Marinelli; Kathleen Waldron, Health Agent and recording secretary; Peter Lyons, Collins Civil Engineering Group; Jeffrey Bukunt, Avon Police Chief, Peter Patel, owner of 85 East Main Street.

**New Business**

- **Title 5 Local Upgrade Request for 55 Maguire Avenue, Collins Civil Engineering Group**

The proposed plan is to replace the existing septic system of this three-bedroom dwelling with no plan to increase the flow of the system. Three local upgrades were requested by the engineering company. The first is 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 minutes per inch. A local upgrade approval allowing a reduction from four (4) feet to three (3) feet was requested. 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 an in-place percolation test. This is in accordance with DEP Policy #BRP/DWM/PeP-POO-1. The third local upgrade approval is from section 310 CMR 15.227 of the State Sanitary Code which requires a minimum twelve (12) inch vertical separation between the high ground water elevation and the lowest tank invert. A variance allowing a reduction from twelve (12) inches to six (6) inches was requested.

Mr. Jensen made a motion to approve the local upgrade requests and the proposed plan as presented. Mr. Marinelli seconded. All in favor, vote passed unanimously.

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

An inspection was conducted on November 5, 2021. Multiple violations were found at that time, a letter was sent to the owner of the establishment (see attached). The Health Agent presented the findings during that inspection and recommend the Board issues fines according to the Regulation of the Avon Board of Health Restricting the Sale of Tobacco Products and 105 CMR 665.000: Minimum Standards for Retail Sale of Tobacco and Electronic Nicotine Delivery Systems. Should there be another violation in three years, the board will enforce another fine and potential suspension of the establishments permit. Mr. Marinelli made a motion to fine the establishment \$1,300.00. Mr. Jensen seconded, all in favor.

- **Tobacco Violation – 17A North Main Street**

An inspection was conducted on November 5, 2021. Multiple violations were found at that time, a letter was sent to the owner of the establishment (see attached). The Health Agent presented the findings during that inspection and recommend the Board issues fines according to 105 CMR 665.000: Minimum Standards for Retail Sale of Tobacco and Electronic Nicotine Delivery Systems. Should there be another violation in three years, the board will enforce another fine and potential suspension of the establishments permit. Mr. Jensen made a motion to fine the establishment \$1,000.00. Mr. Marinelli seconded, all if favor.

- **Compost Site Winter Hours**

Beginning December 4<sup>th</sup>, the compost site will only be open on Saturdays from 9-2PM. The site will resume normal hours on April 3, 2022.

- **Mask Order**

After discussion, the board decided to advise masks are worn in indoor public buildings and town buildings. They will not be mandated at this time.

- **Health Agent Report**

See attached.

- **COVID19 Update**

See Health Agent Report

**Other:**

- A warrant in the amount of \$70,725.22 was approved for FY2022 payment.

**Approval of Minutes:**

- Minutes from November 4, 2021- Mr. Marinelli made a motion to approve minutes as drafted. Mr. Ogilvie seconded, all in favor.

**Next Meeting:**

- Thursday January 13 at 4:30PM

Mr. Marinelli made a motion to adjourn. Mr. Ogilvie seconded, all in favor.

**ATTEST:**



**DATE:**

12/13/2022