

**Town of Becket
Board of Health
557 Main Street
Becket, Massachusetts 01223
(413) 623-8934 ext. 122 fax (413) 623-6036**

Meeting Minutes for March 2, 2022

Board Members Present: Gale Labelle, Robert Ronzio

Board Member via Zoom: none

Board Member Absent: Laurel Burgwardt

Clerk of Committee: Tess Lundberg

Public Present: Michael Lavery

Public via Zoom: Bill Allen, Aaron Beatty, Ed Fahey, Charlie Kaniecki, Dean Lagrotteria, Virginia Lavert, Marcus Millet

Items will be kept in the order of the agenda for easier reference.

1. **Call to order-** Ms. LaBelle calls the meeting to order at 5:02 PM. Ms. LaBelle introduces the Board members present and reads the rules of the meeting.
2. **Board to approve meeting minutes for February 2, 2022 and February 16, 2022.**
Mr. Ronzio makes a motion to approve the February 2, 2022 minutes. Ms. LaBelle seconds the motion. Mr. Ronzio votes in favor. Ms. LaBelle votes in favor. **Motion passes.**
Ms. LaBelle makes a motion to approve the February 2, 2022 minutes. Mr. Ronzio seconds the motion. Mr. Ronzio votes in favor. Ms. LaBelle votes in favor. **Motion passes.**

3. Kaniecki update 2/18/22 Housing Code Action

a. **44 Pleasant** - abandoned building. Court agreement 21CV0396 July 28, 2021. This agreement is that the Owner is signing off ownership to the Town. An executive session was held with the Select Board. Mr. Kaniecki spoke with Town Administrator Caldwell on 2/16/22. Mr. Caldwell reported the matter was with the Town Attorney and there had been no updates. Building needs to be boarded up and secured. Ms. LaBelle and Mr. Ronzio will contact Building Inspector Girard to secure building.

b. **58 Depot** - abandoned building. The Attorney General's office is working on this with a demand letter sent July 30, 2021. Attorney General's office viewed the property on 11/23/2021 and was planning on filing for receivership.

c. **2442 Main St** - Under Receivership. This is almost completed, could be done by April 2022.

d. **50 Beach** - Dwelling condemned on May 19, 2021 and an order to have the septic system inspected by August 20, 2021. Inspection has not occurred. Attorney General's office working on title search and then demand letter. Bank has contacted us in September 2021 stating they are trying to find a contractor. On Dec 30, 2021 Attorney General filed a court action. A demand letter sent January 28, 2022. This property needs to be watch that a septic inspection is done prior to the sale.

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On January 26, 2022 U S Bank National filed a foreclosure on this property. Bk 07113 page 340. There may be a short sale on this.

e. 50 Dawn Drive – Mr. Kaniecki has requested an update from the Attorney General's office. Mr. Kaniecki had requested they send out a demand letter, but have not heard back. On December 30, 2021 the Attorney General's office filed court action. Court hearing was Feb 22, 2022. Mr. Kaniecki states it appears they are going to tear down the existing building and put in a modular home.

f. 33 Pine Dale Circle - Property is littered with junk and materials. Order to clean was sent Jan. 12, 2022. Notice was received. At the re-inspection on Feb. 16th, I met with Owner Justin Bailey. He agreed the property needs to be cleaned. He has removed 2 junk cars. Ground is frozen, making cleanup difficult. Mr. Bailey asked for more time. An extension was granted to April 1, 2022 with a re-inspection scheduled for April 6th. Mr. Kaniecki states the owner seems to be conscientious and in his opinion board action is not necessary at this time.

g. 23 Lady of the Lake - Property is littered with junk and materials. Order to clean was sent Jan. 12, 2022. Notice was received. Re-inspection on Feb. 16th. No one was present and no work has been done. Mr. Kaniecki request direction from the board. Mr. Ronzio states the board agreed to give the homeowner until May 31, 2022 to finish clean up. Mr. Kaniecki asks if the board wants him to do a drive by inspection in May. Mr. Ronzio and Ms. LaBelle agree to the inspection.

h. 23 Pine Dale Circle - Property is littered with junk and materials. Order to clean was sent Jan. 12, 2022. Notice was received. Re-inspection done Feb. 16, 2022. No one was present and no work has been done. It was reported by the Neighbor Justin Bailey, that the owner of 23 Pine Dale has passed away. Upon further investigation, Mr. Kaniecki found land court records indicating that the Town Of Becket is in the process of taking this parcel. On December 14, 2021 a motion general default was filed. Mr. Kaniecki states he is concerned if the court rules in favor of the property taking the clean up costs will be the responsibility of the town. Mr. Kaniecki is holding off any further action until he receives direction from the board.

i. 61 Porcupine Drive – no action required. Court agreement June 16, 2021 21CV310 which they completed the Title V inspection. The system is failed. We issued an order: BY ORDER OF THE BOARD OF HEALTH: ORDER, you shall hire an Engineer versed in the environmental code 310CMR15.00 to perform a soil evaluation and perc test in order to submit a plan of repair within the next 60 days. In no event later than September 30, 2021. Mr. Kaniecki states a perc test and deep holes test was done on 10/2/21 and a sample had to be taken for lab analysis due to saturated soils. No plans have been submitted. Board voted to allow tank to be capped in December 2021. Owner notified that board must witness the capping of the septic tank.

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j. 799 King Richard Dr – no action required. Court agreement 21CV0395 July 28, 2021 that repairs will be made within 90 days. Mr. Kaniecki believes the Building Inspector has issued a permit and work is proceeding. Building Inspector is monitoring this. Condemnation Hearing was on Jan 5, 2022. Court hearing on Feb. 16, 2022 at which time the court removed the Occupant from the court order as she has moved out. Mr. Kaniecki advised the court that we wished to keep the case open for a year in case we need to follow up. The court agreed.

k. 43 Pleasant St – Aaron Beatty of 71 Pleasant Street states it has been 5 years since the property changed hands. Mr. Beatty states there is debris and tarps out front, and occasionally one person shows up to do some work but there is no end in sight. Ms. LaBelle asks Mr. Kaniecki about the status. Mr. Kaniecki states we issued orders and then stepped back after the Building Permit was issued. Mr. Ronzio asks how long ago the Building Permit was issued. Mr. Kaniecki states he does not have the file on hand, but he thinks the permit was issued a year ago. Mr. Kaniecki notes that current Building Inspector Bill Girard will be retiring at the end of March 2022. Mr. Ronzio states we could turn the matter over to the new Building Inspector next month. Mr. Kaniecki states he will contact the property owner and request an update.

4. Fahey Reports

a. 693 King Richard Drive – Mr. Fahey states the revised plan submitted is stamped by a land surveyor. Mr. Ronzio states there are no setbacks indicated for the tanks, it looks like one tank is 3 feet and the other tank 4 feet from the property boundary. Mr. Fahey states the requirement for setback is 10 feet or it would require a variance. Mr. Ronzio states he will not allow a variance to the boundary set back. Mr. Fahey states he will contact the designer and discuss moving the tanks to a different location on the property.

b. 0 Fred Snow Rd- 407.121 – Ms. LaBelle makes a motion to approve the septic design plan. Mr. Ronzio seconds the motion. Mr. Ronzio votes in favor. Ms. LaBelle votes in favor. **Motion passes.**

c. 138 Greenwater Drive- Mr. Fahey state he thinks the engineer should be present at the meeting to explain the revised plan. **Continued.**

d. 36 Washington St – no update

5. COC sign-offs:

a. 29 Chester Rd - Marcus Millet wishes to speak to board. Ms. LaBelle asks Mr. Millet to speak to the board. Mr. Millet states he spoke to Tim Maguire of the Department of Environmental Protection and followed his direction for repairing the leak issues. Mr. Millet states he asked the designer, Thomas Leue, to send photographs to the board. Mr. Millet states the property owner wants a manufacturer's warranty on the repairs.

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Mr. Millet states he has contacted the manufacturers of the repair materials, they will warranty the product not the installation. Mr. Ronzio reviews and discusses each photograph submitted with Mr. Millet. Ms. LaBelle reads aloud the letter submitted by Thomas Leue, the system engineer, stating the repairs were done properly. Mr. Ronzio asks for Mr. Fahey's opinion. Mr. Fahey states the engineer is documenting that the repairs were done properly. Mr. Millet asks if a COC can be issued so the matter can be settled in the ongoing court case. Ms. LaBelle makes a motion to approve the COC for 29 Chester Rd. Mr. Ronzio seconds the motion. Mr. Ronzio votes in favor. Ms. LaBelle votes in favor. **Motion passes.**

6. Title V inspections:

a. Received reports

1. 196 Wells Rd-pass

7. Percolation tests:

a. Received reports

1. 0 Johnson Rd 215.248- Bill Allen inquiry. Ms. LaBelle asks Mr. Allen to speak. Mr. Allen states he is requesting a letter from the board that the two soil percolation tests done at the property meet the current Title 5 requirements. The board discusses the details of the two reports on file, and conditions at the property. Mr. Fahey states if Mr. Allen can locate the 4 deep holes and nothing has changed on the property then it would meet the current regulations. Ms. LaBelle makes a motion to approve that the 4 deep holes in 2 soil perc areas meet the current Title 5 regulations. Mr. Ronzio seconds the motion. . Mr. Ronzio votes in favor. Ms. LaBelle votes in favor. **Motion passes.** Mr. Fahey will write a letter for Mr. Allen.

2. 177 East Shore Road – Mr. Fahey states there were issues attempting to conduct the soil perc test, the ground was too wet to perc and he directed the contractor to take soil samples. Mr. Fahey states he believes it is a seasonal cottage with no water well, and he told the engineer this should be researched. Mr. Fahey would like to flag the property for attention when the disposal system construction permit is requested.

b. Pending reports

1. 0 George Carter Rd

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8. Full Circle Applications Received:

- a. **Food Service Establishments:** no inspections done yet, all continued.
 - 1. **Club at Shaw Pond- Mountain Grove Association-** certificates pending
 - 2. **Becket Washington School-** certificates pending
 - 3. **Bonny Rigg Hill Camping Club-** certificates pending
 - 4. **Camp Becket YMCA-** certificates pending
 - 5. **Camp Becket Chimney Corners YMCA** certificates pending
 - 6. **Camp Watitoh-** Allergen certificate pending
- b. **Lodging :** no inspections done yet, all continued.
 - 1. **The Becket Hotel-Workmen's Comp** certificate pending.
 - 2. **Bonny Rigg Hill Camping Club**
- c. **Septic Haulers/Installers**
 - 1. **Installer Permits BCBOHA certificates current**
 - a. **Murray Excavating-** BCBOHA current. The board approves issuing the installer permit .
 - 2. **Installer Permits BCBOHA certificates pending**
 - a. **Bill Magni Excavating-** BCBOHA requested 2/23/22 – continued.
 - b. **JR Wilkinson Construction-** BCBOHA certificate requested 2/23/22- continued.
- d. **Camps**
 - 1. **Camp Watitoh-** fee pd- continued
- e. **Well**
 - 1.0 **Fred Snow Rd- 407.121** – Ms. LaBelle makes a motion to approve the well design plan. Mr. Ronzio seconds the motion. Mr. Ronzio votes in favor. Ms. LaBelle votes in favor. **Motion passes.**
- f. **Public or Semi-Public Pool Spa**
 - 1. **Bonny Rigg Hill Camping Club-** continued

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9. New Business: none

10. Old Business:

a. **100 Family Court** Brian Heath Contractor inquire on 2/7 and 2/11 status of letter. Ms. LaBelle composes and signs a letter stating the septic system has never had any permits issued for repairs or inspections.

11. Public Input

Michael Lavery informs the board although he was not in attendance at the February 19, 2022 meeting of the Sherwood Greens Road District , he was informed that the chair of the SGRD , Terry Hayden, has stated that under advisement by their attorney, the Berkshire Mosquito Control may begin spraying insecticide again within the Greens. They are of the opinion that the Town of Becket's BOH does not hold jurisdiction over the Sherwood Green Road District which is entirely contained within the Town of Becket. Mr. Lavery supplied emails, obtained under a public records request he made. Mr. Lavery's email to the board states "there have been no efforts by BCMCP or SGRD to inform or notify abutters of SGRD controlled roads where and when spraying is occurring. The abutters living in and around properties bordering SGRD cannot opt out of the spraying if they are not informed of spraying in the Town of Becket. Sherwood Greens and the BCMCP need to obtain contact information for neighboring abutting properties and houses from the assessor's office and do their due diligence of contacting them. There should be a public hearing on whether this should be allowed to continue within the town. Sherwood Greens residents are not the only people affected by this spraying. Many people utilize the quiet low-traffic roads within the Greens to exercise and they do not know that they may be walking or jogging through clouds of pesticide as they get their early morning constitutional."

Ms. LaBelle asks Dean LaGrotteria if he has anything to add. Mr. LaGrotteria states that at the last Sherwood Greens meeting Terry Hayden stated they intend to start spraying in the spring. Mr. LaGrotteria states their argument that we can opt out private property is correct, but we are still exposed to the spray on roads and common areas. Mr. LaGrotteria states they are in effect denying us usage of the common areas like the beaches.

Mr. Fahey suggests that the board get in touch with Town Counsel.

Mr. Ronzio states they are claiming the spray is proprietary, therefore we don't know what is in it. Mr. Ronzio agrees the board needs to confer with Town Counsel.

Mr. Lavery states the Select Board is willing to participate, and he will discuss the matter with the Town Administrator.

12. Budget

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13. Correspondence

a. Eversource-2/5/2022 notice regarding application of herbicides along the power right of ways

14. Any other business to come before the Board :

41 Sir Galahad – Mr. Ronzio states the property was sold and there has not been a Title 5 inspection conducted. Mr. Fahey states he can write a letter to the owner and asks Ms. Lundberg to send him the property card.

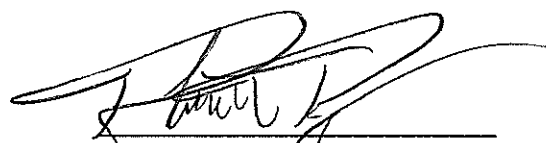
15. Adjournment: Next Board meeting will be on April 6, 2022 at 5:00 PM.

Mr. Ronzio makes a motion to adjourn. Ms. Labelle seconds the motion. Mr. Ronzio votes in favor. Ms. Labelle votes in favor. **Motion passes.**

Meeting is adjourned at 6:45 PM.

Meeting Minutes reviewed and approved on April 6, 2022 by:


Gale LaBelle, Chairperson


Robert Ronzio, Vice Chair

Laurel Burgwardt, Clerk