



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

Meeting Minutes for June 5, 2019

Board Members Present: Gale LaBelle and Laurel Burgwardt

Board Members Absent: I. David Krawet

Health Agent: Jayne Smith

Administrative Assistant: Jessica Perotti

Public Present: Dean Lagrotteria, Karen Brodie, Chris + Edie Smith and Damian Rogers

Call to order

Gale LaBelle calls the meeting to order at 10:06 AM. She reads the rules of the meeting and makes sure that all attending have signed in to the meeting. Ms. LaBelle introduces the Board members present and staff.

**Ms. LaBelle first addresses the items on the agenda for those attending. Due to the many changes in the order of the agenda, the minutes have been kept in order of the agenda for easier reference.*

Board to review meeting minutes for April 3, 2019 and May 1, 2019

Laurel Burgwardt **makes a motion** to move the approval of the minutes to the end of the meeting. Ms. LaBelle **seconds the motion**. All in favor. **Motion passes**.

Reports from the Health Agent, Jayne Smith:

a. DSCPs:

- i. **92 Depot Street:** Ms. Smith says this plan was submitted previously and it had some issues that needed to be addressed. Ms. Smith is satisfied with the revisions that have been reported by the engineer, Al Thorpe. She requests that the Board approve the plan with the condition that she review the final plan that has been sent but not yet received to ensure all revisions have been included before the permit is actually handed out to the installer. Ms. LaBelle **makes a motion** to approve this plan providing Ms. Smith finds nothing wrong with the final revised plan. Ms. Burgwardt **seconds the motion**. All in favor. **Motion passes**.
- ii. **29 Chester Road:** Ms. Burgwardt reports she was at the Becket Motel and spoke with painters working there that discovered black mold in the ceiling of the large apartment. She said the smell was horrible and the mold, at least, went into the next room. Ms. LaBelle reports she took water samples from the Becket Motel and dropped them off at Housatonic Basin herself. She thought the samples may have been contaminated from dropping them but the results came back within the minimum standards. Ms. LaBelle says that Charlie Kaniecki will need to do a follow-up inspection. Ms. LaBelle asks Ms. Smith how the septic plan looks. Ms.



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Smith says her main concern is the size of the septic tanks. She reviews Title V code with the Board regarding the amount of flow per day and what is required for that. Instead of putting in a 2000 gallon tank as Title V requires, the engineer, Tom Leue, would like to install 2 (two) 1500 gallon tanks- in parallel, not in series. Ms. Smith says she's never seen anything like that and feels it is a way to save money. Ms. Smith says it is better than the 1 (one) 1500 gallon tank originally proposed. Ms. LaBelle questions why the 2 (two) tanks together wouldn't be better being one-thousand gallons more than the single tank. Ms. Smith questions how both tanks will get even flow. Ms. Smith goes through the septic plan explaining where all the sources feed into the tanks. The plan includes plumbing for the second building on the corner that is proposed to be a visitor center for the town. Ms. Smith reminds the Board that the previous owner took out 1 (one) of the rooms so that the facility would not be considered a public water supply (PWS). Ms. Smith explains that with the addition of the visitor center to the motel, it brings the ratio back over the threshold and should now be considered a PWS again. Ms. Smith contacted the state to find out if adding the visitor center would make them a PWS again. She was told that the state still considered them a PWS because the paperwork was not submitted back to the state. Ms. Smith is also concerned about the neighboring system at Papa Bob's, 71 Chester Road that is just inside the radius of the proposed system of the motel. Ms. Smith feels like it would be an acceptable plan overall but is concerned regarding the legalities of the entire thing as that is over her head. Ms. LaBelle thinks it is better than what is there now. Ms. Burgwardt says she wants to see the 2000 gallon tank installed as code requires. Ms. Smith is also concerned that the tanks will be so deep and thinks they may hit groundwater. Ms. Smith says there needs to be a plan for the removal of water to ensure it's not being pumped into the swamp areas. This would also require approval from the Conservation Commission because they are within the fifty foot (50') buffer zone. Ms. Smith says they can't deny it but they do need to protect the resource area. Their requirements may include a de-watering plan. Following a brief discussion, Ms. Smith suggests to the Board that they require proof that the 2 (two) parallel tanks get equal flow which may require an equalizer pipe, approval from the Conservation Commission-which may include a de-watering/water pumping discharge plan because the tanks are going to be so deep, they will be encountering groundwater and a letter from MassDOT (Massachusetts Department of Transportation) stating that they have reviewed the plan and approve it. Ms. Perotti lets the Board know she did not get a copy of the application portion or state form 1A with the plan. Ms. Smith asks that all



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interested parties be copied (cc'd) on the email requesting this form from Mr. Leue. She also suggests contacting the Highway Superintendent to find out who should be noticed from MassDOT to review the proposed plan. Ms. LaBelle **makes a motion** to approve the plan with the conditions discussed. Ms. Burgwardt **seconds the motion**. Hearing no further discussion, Ms. LaBelle calls for a vote. All in favor. **Motion passes.**

- iii. **375 Longbow Lane East:** This item is tabled because the application fee has not been submitted.
- iv. **68 Lakeshore Drive:** This item is tabled because the fee has not been paid and hard copies of the septic plan have not been submitted.
- v. **375 Longbow Lane East:** Listed twice accidentally; item tabled.
- vi. **325 Wade Inn Road:** Ms. Smith explains she has reviewed the plan submitted by Leslie "Mickey" Spokas. Ms. Smith says there were a couple of designs and wants to be sure the Board reviews and approves the plan dated May 19, 2019. This is a new construction system. Ms. Smith reports she is happy with the final plan submitted. Ms. LaBelle **makes a motion** to approve the final plan submitted for 325 Wade Inn Road. Ms. Burgwardt **seconds the motion**. All in favor. **Motion passes.** The Board recognizes Damian Rogers, the property owner. Mr. Rogers asks about getting certified as an installer to save on his costs. Following a brief discussion, Mr. Rogers decides to skip this because he doesn't want to wait until next year to install it. Ms. Smith suggests doing whatever work he can under the license of the installer as that is allowed. Mr. Rogers asks what should be done first: the septic installation or the construction of the house. Ms. Smith says that if the septic is constructed first, he needs to be really careful that no paint or dust from the drywall get into the system because that could kill the system. Mr. Rogers asks how to prevent this. She says that nothing should be put down the drain. For example, no workers should be washing their hands in the sinks because it goes directly to the system. Ms. Smith makes it very clear that if the septic system is installed first, it really needs to be watched to be sure it's not damaged before moving into the house.
- vii. **92 Pill Drive:** Ms. Smith confirms this is an existing failed system and not new construction. She reviewed the septic plan for this property and it looks fine. It is a local upgrade approval (LUA) with a one foot (1') separation to estimated seasonal high groundwater (ESHG). Ms. Smith says it also requires approval from the Conservation Commission. Ms. LaBelle **makes a motion** to approve the septic plan for 92 Pill Drive for a LUA with a 1' separation to ESHG with the condition that they get approval from the Conservation Commission. Ms. Burgwardt **seconds the motion**. All in favor. **Motion passes.**



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- viii. **751 King Richard Drive:** Ms. Perotti reports a notice was received for this property that a tight tank will need to be installed here.
- b. **Title V inspections:**
- i. **27 Shore Road- service contract submitted:** Ms. Perotti confirms for the Board that the service contract has been submitted now making this Title V inspection a pass.
 - ii. **495 King Richard Drive-Paul Willis, Charlie Kaniecki:** Ms. Perotti reports this requires further review by the Board. Ms. Perotti presents the witness report from Mr. Kaniecki along with a formal letter stating the system is in good condition but it is a small system and the future homeowner should be made aware of this concern. There is a brief discussion. Ms. LaBelle **makes a motion** that this inspection is a pass according to Health Agent, Charlie Kaniecki. Ms. Burgwardt **seconds the motion**. All in favor. **Motion passes**.
 - iii. **1453 King Richard Drive- Paul Willis, Laurel Burgwardt:** Ms. Burgwardt informs the Board this inspection was a pass. Ms. Burgwardt did not provide a witness report of the inspection.
 - iv. **163 Mystic Isle Way- Paul Willis, Laurel Burgwardt:** Ms. Burgwardt informs the Board this inspection was a pass. Ms. Burgwardt did not provide a witness report of the inspection.
 - v. **11 & 12 Brooker Hill Road- Dutch Schonfelder, Jayne Smith:** Ms. Smith reports that one of the septic tanks is leaking and needs to be repaired as soon as possible. The capacity of the system itself seems fine.
 - vi. **323 Wells Road- Al Joyner, Laurel Burgwardt:** Ms. Burgwardt informs the Board this inspection was a pass. Ms. Perotti reminds Ms. Burgwardt of the email she sent stating the system was in failure. There is a brief discussion and it is confirmed the system is in failure. Ms. Perotti reports a percolation test has also been done on the property as a follow-up.
 - vii. **163 Carter Road- Paul Willis, Charlie Kaniecki:** Ms. Perotti reports that Mr. Kaniecki sent an email stating the system is in groundwater and is in failure.
- c. **Percolation Tests: 300 Bonny Rigg Hill Road, witness fee to be determined:** This item is skipped over by the Board.
- d. **Housing:**
- i. **3071 Main Street:** This matter is not discussed.
 - ii. **50 Dawn Drive:** Ms. LaBelle says she looked at the house and confirmed it is in bad condition. Ms. LaBelle says she is concerned for the welfare of the homeowner and Elder Services has been contacted to help him in any way they can.



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- iii. **61 Porcupine Court:** Ms. LaBelle asks if the homeowners are aware they need a Title V inspection. Ms. Perotti reports that Sandy Sayward came in to the office and said the components of the system have been located but an inspection has not been done. Ms. Perotti reports she told Ms. Sayward that if an inspection is not done by the next meeting, court action may be taken. Ms. Smith suggests that Charlie Kaniecki file with the court regarding this property because that seems like it is the only way they will act on the order. Ms. LaBelle **makes a motion** for Charlie Kaniecki to file a complaint with the courts regarding a Title V inspection being done at 61 Porcupine Court. Ms. Burgwardt **seconds the motion**. All in favor. **Motion passes.**
- iv. **2442 Main Street:** update on receivership: Ms. Perotti reports a contractor is being sought for this receivership.
- v. **329 Little John Drive:** Ms. Smith reports that the former homeowner was in contact. She said she was told by the bank that they have Ms. Smith recorded saying the septic system and well are grandfathered. Ms. Smith says she's had no such conversation. She did confirm that they contacted her 2 (two) hours before they wanted to meet her at the house but she could not. She let them know that the well needs to be sealed with proof of potable water, heating needs to be installed and a valid Title V inspection, witnessed by the BOH, needs to be done.
- vi. **323 Wells Road:** Ms. Perotti says a complaint was received by a neighbor regarding septic waste coming from this property. A Title V inspection has been done as well as a perc test.
- vii. **169 High Street:** Ms. Perotti reminds the Board this complaint came in while she was out of the office. She has not heard anymore regarding this issue.
- e. **Full Circle:**
 - i. **Requirement needed for all applications: map/lot numbers:** Ms. Smith agrees map and lot numbers should be included on all applications.
 - ii. **Beach Permits**
 - a. **Chimney Corners:** A beach application has been submitted.
 - b. **Becket Day Camp:** A beach application has been submitted. Ms. Smith says an email will need to go out to the beaches to let them know there was a glitch in the system and instead of being able to just renew, as promised, new applications will need to be submitted. Ms. LaBelle says this is part of the reason why she wanted a discounted rate for the program.
 - iii. **Camps:** Ms. Smith lets the Board know that she will be inspecting Camp Watitoh tomorrow, June 6, 2019, following another inspection she will be doing on Main Street.



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- iv. **Food Services:**
 - a. **Savory Harvest Catering at the Stone Dining Room, Jacob's Pillow:** An application has been submitted. Ms. Smith says this needs to be inspected as soon as possible. She asks the Board if they are available for pre-operational inspections at Jacob's Pillow as she is at her limit for availability. Ms. LaBelle says she will be available on Thursdays and Fridays. Ms. Burgwardt says she is available tomorrow- until 2:00 PM. Ms. Smith says she has different inspection sheets and asks them to choose whichever they feel most comfortable with using.
 - v. **Temporary Food Permits: The Wild Honey Pie, outstanding fee for food station permit:** Ms. Smith says she will address this matter when she does the camp inspection at Camp Lenox. She will let them know that unless this \$75.00 (Seventy Five Dollar) fee is paid, they will not be issued a permit next year. Ms. Smith explains the collection of the permit slipped through due to the fact that she had to address the matter of cutting boards being cleaned with de-greaser and oven cleaner. Ms. Smith says that finding things like that during an inspection just proves why inspections are so important. Ms. Smith clarifies that a third party that was officially hosting the gathering should have applied for the permit and listed The Wild Honey Pie as the vendor.
 - vi. **Emergency Beaver Permits: 36 Sir Galahad Drive:** Ms. Perotti lets the Board know a permit was issued and 3 (three) beavers were trapped.
 - vii. **Septic Haulers:** Ms. LaBelle says there is a problem getting septic haulers to register with the town. Ms. Smith says this includes septic haulers that only need to drive through Becket because there is a risk of the transfer tanks leaking as they drive through town. If a septic pumping company does come through town leaving septic waste behind, Becket reserves the right to stop them from coming through town in the future. Ms. Smith says she has a list of all the septic haulers in the area. She recommends that notification letters go out before the end of the year regarding permits for 2020.
 - viii. **Solid Waste Haulers:** The same is true for solid waste haulers; notifications need to be sent to them too.
- f. **2299 Main Street, Robinson Farm: written proposal to be submitted for farm stand inquiry:** Ms. Smith says she heard from David Robinson following the attempted Title V inspection. Ron Lavigne was hired to do the mock inspection. Mr. Robinson didn't understand why the leach field needed to be dug up. Ms. Smith got a message from Mr. Lavigne explaining this needs to be done because the groundwater level needs to be



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determined and to make sure the system isn't in groundwater and working properly. Ms. Smith agrees it needs to be done.

Old Business:

a. Receiverships:

i. **58 Depot Street: homeowner has pulled permits for repairs:** Ms. Perotti reports that the Building Inspector, William Girard, confirmed that permits were pulled to make the outside appearance better.

b. **Becket Arts Center:** boil water notice- Ms. Perotti reports that the boil water notice is still in effect.

c. **683 King Richard Drive- request to have 6 month deed restriction lifted:** The Board recognizes Chris Smith. Mr. Smith says he went to Berkshire Engineering to get a letter explaining why a 6 (six) month restriction would not be needed. Ms. LaBelle reads the letter submitted by Berkshire Engineering which gives reasons why a restriction would not be needed. Ms. Smith goes through the history of the permit and explains Charlie Kaniecki suggested to put the 6 month deed restriction on the submitted design. She explains that the Title V code is very clear on the requirements for a tight tank installation and is based on the history of the property. It is Ms. Smith's understanding that the residence has been seasonal and asks Mr. Smith what his understanding is of the former use. Mr. Smith says that the previous owner's mother lived there full time. When she passed, her daughter moved in and lived there part time. Ms. Smith reads through the code and says since Title V code bases deed restrictions on past history of the property, it is up to the Board how they would like to proceed. She recommends that if the deed restriction is lifted, it still needs to state there is a holding tank in place and not a traditional system. Ms. LaBelle asks if there is a contract on file for the tank to be pumped on a regular basis. Ms. Perotti and Mr. Smith confirm there is one on file. Ms. Smith recommends that the Board remove the 6 month deed restriction and in its place note the 2000 gallon holding tank with the requirement of a pumping contract with a licensed septic pumper. Ms. LaBelle **makes a motion** to remove the 6 month deed restriction on 683 King Richard Drive and to put in its place that there is a 2000 gallon holding tank which requires a contract for it to be pumped by a licensed septic pumper. Ms. Burgwardt **seconds the motion**. All in favor. **Motion passes.**

d. **Christopher Swindlehurst request a tight tank to be installed at his residence:** update on authorization requirements needed, location to be confirmed- Ms. Perotti notes this notification came in while she was out of the office and it is unclear where he would like the tight tank to go. Ms. LaBelle says his wife is working with dyes or paints. Ms. Smith feels that installing a tight tank is a very good idea. She says that Mr. Swindlehurst will need to come up with a proposal for it.



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New Business

None.

Public Input

As discussed throughout the meeting.

Budget

Ms. LaBelle is looking to be reimbursed for \$150.00, the cost of the test she took for ServSafe. Ms. Burgwardt **makes a motion** for Ms. LaBelle to be reimbursed \$150.00 for her ServSafe test. Ms. LaBelle **seconds the motion**. All in favor. **Motion passes**.

Correspondence

a. **FY19 Encumbrances and carry-over of FY 2019 funds request:** Ms. Perotti informs the Board that all reimbursements, including timesheets and mileage, need to be in by June 27, 2019.

b. **letter from concerned resident regarding mosquito control:** The Board recognizes Dean Lagrotteria. Mr. Lagrotteria informs the Board he lives in Sherwood Greens. Sherwood Greens has entered into a contract with the Berkshire Mosquito Control Board regarding their mosquito spraying services. Mr. Lagrotteria questions if they should even be involved in the program because Becket opted out of mosquito control spraying in 2010 and 2012. Regardless, the spraying is being done but he questions if the restrictions are being followed. He is aware there are restrictions related to open water which is a big part of Sherwood Greens and wonders how the spraying is being handled and controlled. Mr. Lagrotteria says residents of Sherwood Greens can opt out of having their property sprayed and should be given a radius of 300' (three hundred feet) from the spraying but doesn't believe those restrictions are being followed either. Mr. Lagrotteria presents a map of Sherwood Greens which shows his property. He points out a turn in the road that is approximately 175' (one hundred seventy five feet) from his property and claims spraying is being done at this corner which is within 300' of his property. He thought the Becket **Board of Health (BOH)** would have authority over this. He is concerned for mosquito borne diseases but doesn't feel it warrants the mass spraying. He has a young daughter that he wants to protect from the chemicals as well as his wife who has medical issues that could be made worse due to the chemicals. He is also concerned for neighbors who have other health issues.

Ms. LaBelle says that Becket has private communities, like Sherwood Greens, that generally take care of themselves. Mr. Lagrotteria understands there are rules for the private communities but feels because this is a health issue, the BOH should have the authority to step in to oversee it.



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The Board recognizes Karen Brodie who is also a member of the Sherwood Greens association. She is also very concerned with the spraying and feels that the members of the association were misled by the presentation which made it seem like chrysanthemums would simply be crushed and sprayed. She is concerned for the babies and young children in the community.

Following a brief discussion, Jayne Smith agrees to look into the situation to see if the BOH does in fact have authority in the private community for this situation. Mr. Lagrotteria and Ms. Brodie would like to know who they can contact if the BOH finds out they do not have authority.

c. MassDEP- Enforcement Order issued to Camp Lenox: Ms. Perotti informs the Board of a notice that was sent from MassDEP (Massachusetts Department of Environmental Protection) to Camp Lenox notifying them they need to have a Title V inspection done within 90 (ninety) days or submit proof that an inspection has been done within the past 30 (thirty) days.

Board to review meeting minutes for April 3, 2019 and May 1, 2019, con't.

Following their review of the minutes, Ms. LaBelle **makes a motion** to approve the minutes for April 3, 2019. Ms. Burgwardt **seconds the motion**. All in favor. **Motion passes.**

Ms. LaBelle **makes a motion** to accept the minutes for May 1, 2019. Ms. Burgwardt **seconds the motion**. All in favor. **Motion passes.**

Any other business to come before the Board

Ms. Perotti informs the Board she got a call regarding the approval of the septic plan for 39 Long Bow Lane Circle. She confirms the application fee has been paid but the approval has not been issued. Ms. Smith re-reviews the application and septic plan. She confirms all revisions have been made and recommends approval on it. Ms. LaBelle **makes a motion** to approve the septic plan for 39 Long Bow Lane Circle. Ms. Burgwardt **seconds the motion**. All in favor. **Motion passes.**

Ms. Smith also reports some other perc tests that were done:

- 164 Moberg Road
- 351 Otis Road
- 92 Pill Drive
- 323 Wells Road
- 609 Main Street



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There was also an inquiry regarding hooking in to an existing system at 95 Mountain Dale Circle. Ms. LaBelle let them know she would prefer a new system be installed there. Ms. Smith says that while it is not preferred, if they were to hook into the existing system, it would need to be upgraded to a shared system.

Ms. Burgwardt witnessed a Title V inspection at 609 Main Street, the old Country Store, which was a fail.

Ms. LaBelle says she set up meetings with Berkshire Lakeside Lodge, Canterbury Farm and Bonny Rigg. Ms. LaBelle says that Canterbury Farm will not require a lodging permit because they only have 4 (four) rooms; they only require a Food Service Permit. Ms. LaBelle reports that an inspection will be done at Berkshire Lakeside Lodging. Ms. Smith says this will be a lodging only permit. She lets the Board know what to look for at the inspection including: making sure there is hot water, smoke detectors are working and making sure everything is sanitary. She also lets them know that it will need to be determined if they are a PWS and if so, to check the history of the water testing reports. Ms. Smith also emphasizes that the rooms and beds will need to be checked for bedbugs. Ms. Burgwardt reports that when she has checked the rooms in the past, they were clean. Ms. Perotti asks Ms. Burgwardt when she inspected the facility. Ms. Burgwardt replies that she inspected it last year. Ms. Perotti reports that permits have not been issued to them in at least four (4) years. Ms. Burgwardt repeats she inspected the facility last year.

Ms. Smith lets the Board know she did an inquiry in another town regarding temporary permits for catered events. Following a thorough review of the new regulations, Ms. Smith informs the Board that a vendor coming in for a temporary event needs a permit; which is currently the standard practice. If a catering business comes to town for a private event or to someone's house, a permit is not needed. If a caterer, with a caterers' license and commissary kitchen, is coming in for a public event or gala, they do not require a permit. They are, however, required to notify the BOH within 72 (seventy-two) hours of the event with proof of their caterers' license from their commissary kitchen. Ms. Smith says a policy will be developed following a cross check of the state regulations. Ms. Smith suggests that Becket consider creating a policy for caterers at private events. Ms. Smith says this system does rely on the previous inspectors doing their job.

Ms. Smith suggests that permits be issued from the office which is different than the way it's been done for years and years. She suggests bringing along paper applications, when necessary, for applicants to fill out and to bring the information back to the office to enter into



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the system. Then, the permit should be issued directly from the office. This ensures there is a record of the permit on file. Ms. Burgwardt agrees.


Ms. Perotti informs the Board that all future correspondence will be sent via the new town emails created for BOH members. Ms. Smith asks if there is someone that can help to get notifications for the emails to come up on their cell phones. Ms. Perotti says she believes there is a way to do that; she will find out.

The next meeting is set for July 10, 2019 at 10:00 AM due to the holiday.

Adjournment

Ms. LaBelle **makes a motion** to adjourn. Ms. Burgwardt **seconds the motion**. All in favor. **Motion passes**. The meeting is adjourned at 12:28 PM.

Meeting Minutes reviewed and approved on July 10, 2019 by:


Gale LaBelle, Chair
Laurel Burgwardt, Vice Chair