

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

Meeting Minutes for May 3, 2023

Board Members present: Gale Labelle, Robert Ronzio

Board Member absent: Laurel Burgwardt

Clerk of Committee: Tess Lundberg

Public present: Mona Bailey, Bill Fiske, Joann Fiske, Peter LaBarbera, Michael Marcus, Scott McFarland

Public via Zoom: Ryan O'Hara, Ned Saviski, Colin Sykes, Ed Fahey, Robin Mathiesen,

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

1. Meeting called to order at 5:00 PM by Ms. LaBelle.

2. Board to approve meeting minutes for April 5, 2023. Mr. Ronzio makes a motion to approve the minutes of March 1, 2023. Ms. LaBelle seconds the motion. Mr. Ronzio votes in favor. Ms. LaBelle votes in favor. **Motion passed.**

3. Disposal System Construction Permits

a. 134 Fireside Lane- Basic repair consisting of: replacing cracked concrete D-box with new Poly-Lok plastic d-box; repair cracked elbow/10' of SAS pipe. See housing entry. Mr. Ronzio makes a motion to approve the Disposal system Construction permit. Ms. LaBelle seconds the motion. Mr. Ronzio votes in favor. Ms. LaBelle votes in favor. **Motion passes.**

4. Housing Code Action / Alliance

a. 44 Pleasant- Alliance Update - April 2023. Back window is still broken out making the building accessible. Front door has been boarded up. Mr. Saviski reports he spoke to a subcontractor working at 43 Pleasant and will get the contact info for the contractor in charge to discuss getting the window boarded up.

b. 58 Depot St - Alliance Update - April 2023. Soil perc test scheduled for 4/27/23 -10am. Broken basement window allowing access to pests and elements. Old septic system uncovered at soil perc attempt. Title 5 application rec'd 5/4/2023

Mr. Sykes reports he witnessed a soil perc test at the property but the contractor had a problem completing the test. Mr. Syskes states an old septic system was uncovered and a Title 5 will be scheduled to determine the condition.

c. 23 Lady of the Lake- Alliance Update - April 2023 Proceeding with Housing Court for Condemnation per March BOH meeting. An uninhabitable placard is posted on the front door. Mr. Saviski states this is proceeding to Housing Court.

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d. 2442 Main St- Mr. Saviski requests the file to determine if this property can be removed from the agenda.

e. 50 Dawn Drive- Town is working with Construct, to rehab the home and sell to low income. Keep on agenda on a watch basis. Likely to be resolved without further BOH.

f. 799 King Richard Dr- Alliance update - April 2023 Uninhabitable Placard placed above the front door. For sale sign removed. Mr. Saviski states placard is still in place.

g. 43 Pleasant St- Alliance update - April 2023- Spoke with the subcontractor and they hope to be finished with work by Fall, 2023

h. 50 Beach – Alliance update - No changes in April 2023

i. 354 Wells Road- trash complaint- Correction Order sent 9/9/22. Mr. Saviski reports he checked the property today. It had been cleaned up. Mr. Saviski recommends removing it from the agenda.

j. 59 Benton Hill Rd- debris, unlicensed vehicle complaint. Alliance update - No changes in April 2023. Mr. Saviski suggest that the Building Inspector attempt to have the motor vehicles removed. Ms. Lundberg states she had previously emailed inquiries to the Building Inspector but had not received a reply.

k. 23 Algerie Rd- trash/debris complaint- Alliance Update - No changes in April 2023. Bank will take possession and clean up as soon as there are no further court extensions to eviction deadline. Neighbors pushing for this to be escalated to Housing Court. Mr. Saviski states the Title 5 inspection done in 2022 failed. Mr., Fahey states if the Title 5 failed the board ca order the system be repaired. Mr. Ronzio states if the property owner will not repair the septic system the board can condemn the building.

l. 99 Friar Tuck- Alliance Update - No changes in April 2023. Two trailers on the property, and one torn apart trailer, three unregistered vehicles. Ms., LaBelle states there has been no progress observed and the owners need to come before the board. Mr. Saviski states he will compose a letter.

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m. 50 Hilltop Court- 9/9/22 Correction order sent. **Alliance Update** - April 2023. Two abandoned and one registered vehicle present. Rubbish scattered throughout the yard and piled up on the porch.

n. 28 Brook Lane- failed Title 5 on 7/2/2017. T5 noncompliance letter sent 9/9/2022. **Alliance Update** - No changes in April 2023. Ms. LaBelle asks Mr. Saviski to determine if anyone is living in the home.

o. 297 Prince John Dr – Alliance Update - No changes in April 2023. Three Trailers/ Storage Unit/ Boat still present.

p. 155 Black Arrow-Alliance Update- April 2023, Mr. Saviski reports the dumpster has been removed but trash blew into the woods across the street.

q. 233 Gentian Hollow Rd- Alliance Update - April 2023 – Mr. Saviski reports it has been sent to Town Counsel for Housing Court resolution. Ms. Bailey states they went to court this morning and the judge denied their request, stating it was the Town of Becket's responsibility to pursue the cleanup. Ms. LaBelle asks if Ms. Bailey has a copy of that decision. Ms. Bailey states when she receives a copy in the mail, she will provide it.

r. 336 Sir George Drive- Alliance Update - April 2023 Continuous progress being made. Met with Neil on 4/19/2023 to review progress: 1 camper to be demolished and removed, the other will be taken away to be used on a job site. Jugs and containers of Oil have been removed. The unregistered truck has been removed. One tractor has been removed, the other is operational and will be relocated to a job site in New Hampshire. Several piles of wood throughout the yard will be organized and covered with a tarp.

s. 358 Prince John - 3/8/2023 order to secure doors sent. Mr. Ronzio states the owners should be fined \$300 per day for non-compliance to the order, starting on 6/15/2023. Mr., Fahey suggests \$100 per day. Mr., Ronzio asks Mr. Fahey or Mr. Saviski to compose a letter.

t. 134 Fireside Lane- 3/1/23 BOH meeting discussed open septic/ people living in house. 4/5/2023 DSCP application for "Basic repair consisting of: replacing cracked concrete D-box with new Poly-Lok plastic d-box; repair cracked elbow/10' of SAS pipe." Mr. Ronzio states he observed the well cover is not secure. Mr. Fahey states he will speak to the contractor repairing the septic system and ask him to check it.

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u. **89 Lady of the Lake-** failure to upgrade failed T5 done on 8/2/2020. Corrective order sent 5/5/21 with 7/28/21 deadline. April 2023 taxes unpaid per tax collector office. Registry of Deeds recorded sale on 4/19/2023 to Michael Mkrichian and Diane Mkrichian. The board directs Ms. Lundberg to send the new owner info to Mr. Fahey so a letter stating the septic system needs to be upgraded to correct that it is a 6-bedroom home on a 3-bedroom system

5. Full Circle Applications Received:

a. Food Service Establishment

1. Route 8 Pub - No response to multiple emails. Mr. Saviski states he has communicated with Trish Magner several times and she has indicated that Heather Anello will do the permitting. Mr. Ronzio makes a motion to issue the permit once the application with certificates has been completed. Ms. LaBelle seconds the motion. Mr. Ronzio votes in favor. Ms. LaBelle votes in favor. **Motion passes.**

2. Ryan Eley- 609 Main St - Mr. Ronzio makes a motion to issue the permit once the application with certificates has been completed. Ms. LaBelle seconds the motion. Mr. Ronzio votes in favor. Ms. LaBelle votes in favor. **Motion passes.**

b. Septic Installer

1. REWC Land Management - Mr. Ronzio makes a motion to approve the Septic Installer permit. Ms. LaBelle seconds the motion. Mr. Ronzio votes in favor. Ms. LaBelle votes in favor. **Motion passes.**

2. Berkshire Soil and Water- Mr. Ronzio makes a motion to approve the Septic Installer permit. Ms. LaBelle seconds the motion. Mr. Ronzio votes in favor. Ms. LaBelle votes in favor. **Motion passes.**

3. B&D Septic Installers- Mr. Ronzio makes a motion to approve the Septic Installer permit. Ms. LaBelle seconds the motion. Mr. Ronzio votes in favor. Ms. LaBelle votes in favor. **Motion passes.**

4.. Cooper Excavation Board of Health determined at their December 16, 2020 meeting to revoke septic installer privileges of Cooper Excavation. Ms. LaBelle asks Ryan O'Hara, attorney for Cooper Excavation, to speak. Mr. O'Hara states he represents Mr. Cooper. Mr. O'Hara states the original revocation came out of the installation at the Duff property. Mr. O'Hara states there was a civil litigation, the suit was resolved and an agreement reached. Mr. O'Hara states it has been 3 years since the incident. Mr. O'Hara states the situation was never fully litigated

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and Mr. Cooper has done no further work in Becket. Mr. O'Hara states Mr. Cooper's opinion is that it was a "one of" incident and the Board should extend the installer privilege again. Mr. O'Hara states Bruce Cooper and Valerie Cooper are not present at the meeting.

Mr. Ronzio asks Mr. Fahey to describe the issues that occurred at the Duff property. Mr. Fahey states the septic system was installed too low and used the incorrect type of sand. Mr. Fahey states that when they went to conduct a re-inspection after the problems were supposed to be corrected, they found Mr. Cooper had removed the entire system. Mr. Fahey states technically there were two big violations, installing the system too low and using the wrong sand. Mr. Fahey states the response of Mr. Cooper removing the system and leaving the site was unprofessional. Mr. Fahey states he has never seen anything like this in 20 years.

Ms. LaBelle states we want installers that are reliable and respect customers.

Mr. Ronzio states he would like to hear from the property owner, Ray Duff. Mr. Ronzio states we are hearing from Cooper's lawyer and we should hear both sides of the story. Mr. Ronzio states if Mr. Cooper were re-instated then Mr. Fahey would work with him and Cooper would be under a microscope because we do not want a repeat of a homeowner being in the same situation.

Ms. LaBelle states we will look at this again in a month. **Continued.**

c. Recreational Camps for Children permits

1. Camp Watitoh - Mr. Ronzio makes a motion to approve the permit. Ms. LaBelle seconds the motion. Mr. Ronzio votes in favor. Ms. LaBelle votes in favor. **Motion passes.**

2. Camp Lenox- no fee pd Mr. Ronzio makes a motion to approve the permit once fees are paid. Ms. LaBelle seconds the motion. Mr. Ronzio votes in favor. Ms. LaBelle votes in favor. **Motion passes.**

3. Becket Day Camp Mr. Ronzio makes a motion to approve the permit. Ms. LaBelle seconds the motion. Mr. Ronzio votes in favor. Ms. LaBelle votes in favor. **Motion passes.**

4. Chimney Corners Camp YMCA Mr. Ronzio makes a motion to approve the permit. Ms. LaBelle seconds the motion. Mr. Ronzio votes in favor. Ms. LaBelle votes in favor. **Motion passes.**

d. Bathing Beach

1. Camp Watitoh Mr. Ronzio makes a motion to approve the permit. Ms. LaBelle seconds the motion. Mr. Ronzio votes in favor. Ms. LaBelle votes in favor. **Motion passes.**

2. Camp Lenox Mr. Ronzio makes a motion to approve the permit. Ms. LaBelle seconds the motion. Mr. Ronzio votes in favor. Ms. LaBelle votes in favor. **Motion passes.**

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3. Camp Becket YMCA Mr. Ronzio makes a motion to approve the permit. Ms. LaBelle seconds the motion. Mr. Ronzio votes in favor. Ms. LaBelle votes in favor. **Motion passes.**

e. Public or Semi-Public Pool Spa

1. Bonny Rigg Camping Club- fee pd Mr. Ronzio makes a motion to approve the permit. Ms. LaBelle seconds the motion. Mr. Ronzio votes in favor. Ms. LaBelle votes in favor. **Motion passes.** Ms. LaBelle and Mr. Fahey will conduct the inspection.

6. New Business:

a. Camp Greylock complaint. Certified/regular mail sent to Camp Greylock 4/7/2023. Ms. LaBelle states the board has received a complaint of a possible HIPAA violation and asks Mr. Marcus to address the board. Mr. Marcus states the boy camp to camp and was a bed wetter every night. Mr. Marcus states bedwetting is not a disease. Mr. Marcus states the counselors had to check the bed every day and take the bedding to laundry. Mr. Marcus states he does not know how anyone found out about the situation. Mr. Marcus states one camper said something and that boy was sent home as a result of his behavior. Mr. Marcus states they attempted to keep as much confidentiality as possible. Mr. Marcus states they tried to deal with the bedding quickly and quietly. Mr. Marcus states the boy stayed for the entire session and even wanted to stay longer. Mr. Marcus states he offered the parent a partial refund.

Mr. Ronzio asks for a description of the sleeping arrangements. Mr. Marcus states there are two large rooms with rows of bunk beds and a bathroom facility between the two rooms. Mr. Marcus states there are 2 counselors in each section. Mr. Ronzio asks if the child sent home was in the same bunk. Mr. Marcus states that child was in the same group but he does not know if he was in the same bunk. Mr. Marcus states the bunk rooms mean that they are all within eyeshot of each other. Mr. Marcus states we tried to make an effort to be discreet with the laundry, Mr. Ronzio asks how long the expelled child had been in attendance. Mr. Marcus states he was sent home after 4 weeks out of the 5 week session. Mr. Ronzio asks if this was the child's first year at camp. Mr. Marcus confirms it was the first year this child had attended their camp.

Ms. LaBelle states we want to be sure that HIPAA is not broken. Mr. Marcus states he cannot prevent other children from seeing what is happening when they are staying in a room with 8 other campers.

Mr. Ronzio asks the age of the camp counselors. Mr. Marcus states the counselors are 18 – 21 years old, and senior counselors are 23 or 24 years old. Mr. Marcus states he specifically spoke to the counselors with this bunk room and it was handled beautifully for 4 weeks. Mr. Marcus

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states counselors are informed as part of their orientation about privacy, and he does not believe that any of the counselors were involved.

Ms. LaBelle asks Mr. Fahey if he has any suggestions. Mr. Fahey suggests that the board vote in the meeting if there was a violation or not.

Ms. LaBelle asks where the complainant is. Ms. Lundberg states the complainant has sent multiple emails and he was aware of the meeting tonight.

Mr. Ronzio makes a motion that at this point in time the board does not see any evidence of a HIPAA violation, and the matter is resolved unless someone presents more evidence. Ms. LaBelle seconds the motion. Mr. Ronzio votes in favor. Ms. LaBelle votes in favor. **Motion passes.**

b. 623 Main St- question about septic system leaching into wetlands. Mr. Fahey reports After walking the site, on 4/21/2023, there were no signs of breakout or any leaching from the system to indicate it is not functioning. The field is a raised mound totally dry and no odors were present. The swampy area behind the store appears to be a vernal pool or other natural feature, which should not be filled in and is protected by Conservation Commission.

c. 494 King Richard Drive- William Fiske informal discussion regarding tight tank. Ms. LaBelle asks Peter LaBarbera of Environmental Planning Associates to address the board. Mr. LaBarbera states they are designing an upgrade to a septic system that has been operating as a tight tank. Mr. LaBarbera states the owners would like to go back to a leach field system, as the costs of pumping the tight tank are prohibitive. Mr. LaBarbera states the owners have acquired an adjacent property and plan to schedule a soil percolation test. Mr. LaBarbera states the terrain is such that deep hole will have water because the slope is inundated with ground water. Mr. LaBarbera requests that a sieve analysis be allowed. Mr. Ronzio asks what would happen if the sieve analysis fails. Mr. LaBarbera states the sieve analysis would require DEP permission. Mr. Ronzio points out that the properties across the road are not developed and perhaps would be less steep and more suitable. Mr. Ronzio states he would prefer to have a regular septic system over a tight tank. Ms. LaBelle states a sieve analysis would be acceptable. Mr. Ronzio makes a motion to accept a deep hole soil perc and sieve analysis if needed. Ms. LaBelle seconds the motion. Mr. Ronzio votes in favor. Ms. LaBelle votes in favor. **Motion passed.** Mr. Saviski states he will note the decision in the online permitting.

7. Old Business - none

8. Public Input - none

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9. Budget - no discussion

10. Correspondence - none

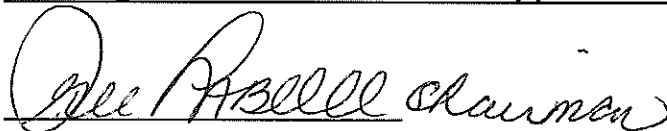
11. Any other business to come before the Board

a. **2349 Main St-** Scott McFarland asks the board to approve a Disposal System Construction permit to replace the distribution box. Mr. Ronzio makes a motion to approve. Ms. LaBelle seconds the motion. Mr. Ronzio votes in favor. Ms. LaBelle votes in favor. **Motion passes.**

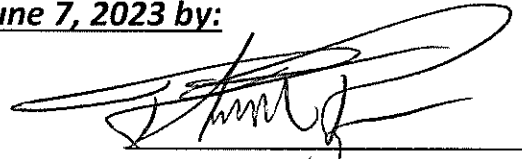
b. **376 Long Bow Lane West-** An application for a new well was reviewed by Mr. Fahey. Mr. Fahey commented that the plan is requesting variance to the setbacks from the property line and the public way. Ms. LaBelle asks the size of the lot. Mr. Ronzio replies the lot is .5 acres. Mr. Fahey states the Becket Well Regulations section 3 state no one may locate or limit the use or enjoyment of a neighboring property. Mr. Fahey states by allowing a variance in the property line setback it would restrict the neighbor's location of a septic system in the future. Mr. Fahey suggests that the applicant be required to notify the abutters and obtain written permission from the abutters. Mr. Fahey suggest they could also try to purchase that abutting lot.

12. Ms. LaBelle makes a motion to adjourn the meeting. Mr. Ronzio seconds the motion. Ms. LaBelle votes in favor. Mr. Ronzio votes in favor. Ms. Burgwardt votes in favor. **Motion passes.** Meeting is adjourned at 7:05 PM.

Meeting Minutes reviewed and approved on June 7, 2023 by:

 *Gale LaBelle* chairman

Gale LaBelle, Chairperson

 *Robert Ronzio*

Robert Ronzio, Vice Chair

Laurel Burgwardt, Clerk