



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

Meeting Minutes for December 5, 2018

Board Members Present: Gale LaBelle, I. David Krawet and Laurel Burgwardt

Board Members Absent: None

Health Agent: Jayne Smith

Administrative Assistant: Jessica Perotti

Public Present: Ofer Zaarur and Julia Grace

Call to order

Gale LaBelle opens the meeting at 5:20 PM. Ms. LaBelle introduces the Board and reads the rules of the meeting.

Board to review meeting minutes of November 7, 2018

Following their review of the meeting minutes, Ms. LaBelle makes a **motion** to accept the minutes of November 7, 2018. Laurel Burgwardt **seconds the motion**. All in favor. **Motion passes**.

Reports from Jayne Smith, Health Agent

175 Mystic Isle Way: Ms. Perotti reports that the property owners received a negative determination from the Conservation Commission. Because of this, the tank has been rotated. The lot is very small. Ms. Smith says the Board can take steps to ensure that tight tanks are installed properly with alarms. Ms. LaBelle says she wants to see an alarm on all tight tanks. She says these will only be approved if it is their only option for a septic system.

3235 Main Street

Ms. Smith reports that there was a partial blockage in a pipe so the pipe was replaced. Since they serve food there, Ms. Smith feels this could be considered maintenance of the system. Ms. Smith recommends that no fees be charged for this pipe replacement. The Board is in agreement.

0 George Carter Road, Map/Lot: 403/04

Ms. Smith reports this is a new construction. She reviewed the plan and sent it back asking for a reserve area. The only issue she has with the re-submitted plan is that it has a temporary bench mark on it that needs to be relocated closer to the septic field that will not be dislodged. This way, the septic area won't be guessed. Ms. Smith recommends approval providing that this temporary bench mark is reset to an area that is 50-75 feet from the leach field and not subject to being dislodged. Ms. Burgwardt makes a **motion** to accept the plan with the conditions as stated by Ms. Smith. Mr. Krawet **seconds the motion**. All in favor. **Motion passes**.



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Old Business

29 Chester Road/Becket Motel: Ms. LaBelle recognizes Ofer Zaarur and asks for an update. Mr. Zaarur says he gave the Board wrong information at the last meeting regarding water levels. The water level is not the issue; the distance from the well to the septic is the problem because it is less than fifty feet (<50') away. He was advised to move the well or reconstruct the septic system. Mr. Zaarur says past Title V inspections showed the well more than 50' away. Mr. Zaarur would like this distance verified based on past reports. Mr. Zaarur suggests having a water test done to show the water is good. Mr. Zaarur claims there is nothing wrong with the system except for the back-up sludge in the system. Mr. Zaarur asks for two (2) years to fix the system as allowed in Title V code. Ms. LaBelle says the Title V inspection that was done on January 11, 2018 failed. The septic system is a combination of three (3) tanks and two (2) leach fields. Two (2) of the tanks are backed-up. Ms. LaBelle reminds Mr. Zaarur that the motel serves the public and that is why the order was issued in July to have the system repaired by October. October came and Mr. Zaarur did not submit a plan for approval. Therefore, the Board gave an extension to November to get a plan drafted by an engineer. Ms. LaBelle questions if he has hired a soil evaluator yet. Mr. Zaarur says he has not. Ms. LaBelle says this needs to be done. Mr. Zaarur says he will be contacting a soil evaluator. Ms. Smith says the tanks are undersized at 500 gallons. Ms. Smith says they can't keep going back to past inspections. Ms. Smith wants to have the groundwater verified. She says the inspector that did the last inspection was not a soil evaluator. This is why it needs to be verified with a professional soil evaluator. Ms. LaBelle says she doesn't want to but if it becomes necessary, the Board will take him to court. Ms. LaBelle says the water needs to be tested immediately. This would require testing for total coliform, E. coli and nitrates. There is some discussion. The Board decides that a soil evaluation needs to be done to determine how far down the trenches go. They also decide that the well water should be tested. Ms. LaBelle reads an email from Charlie Kaniecki who witnessed the Title V inspection and also issued the order for the system to be repaired by October. Basically, he outlines what has happened so far regarding this septic system and is surprised that the Board is allowing this to be dragged out and recommends that Mr. Zaarur be brought to court. Ms. LaBelle says while moving the well may solve the water problem, the septic system still needs to be addressed. Mr. Zaarur says he would like to have a bubbler system installed to clean things out. Ms. Smith explains what Mr. Zaarur wants to do is add oxygen to the system that eats away the bio-mat/sludge. Ms. Smith says that it only works sometimes but if the system is in groundwater, this type of technology won't work because everything stays saturated. Before moving forward with any type of installation, Ms. Smith recommends the following:

- groundwater levels need to be determined/how deep are the trenches
- find out where the end of the trenches are located



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- evaluation of the septic tanks

Ms. Smith says that if the end of the trenches are within fifty feet (50') of the well then the Title V inspection is an automatic failure. Mr. Zaarur says he would like to schedule a meeting with Ms. Smith to come out and look at the system. Ms. Smith says she is happy to do that but requests that he have a representative there on his behalf; Mr. Zaarur agrees.

Ms. Burgwardt says she has concerns about people staying in the motel and feels it should be shut down until the septic system is brought up to code. Mr. Zaarur disagrees and says there are only a few occupants right now. He is thinking about shutting the motel down and only making it a seasonal business anyway because it is very expensive during the winter. Ms. Burgwardt repeats her concerns. Mr. Krawet agrees with Ms. Burgwardt. He feels like Mr. Zaarur has been given more than enough time to find and hire an engineer to draft a plan for review. He asks Mr. Zaarur if he has done anything concrete here. Mr. Zaarur says he is looking to get some answers; Ms. Smith interrupts to say no plans have been drafted and submitted to date.

Ms. LaBelle says the water needs to be tested right away. She wants to have Housatonic Basin test the samples. Ms. Smith says she will get samples when she is there if it is agreeable to the Board; the Board agrees. Ms. Smith says she will meet Mr. Zaarur and his representative to determine the groundwater levels/trenches and get a water sample the same day. Mr. Zaarur will call Ms. Smith directly to schedule the date and time. Ms. LaBelle says she wants this done as soon as possible. Ms. LaBelle also wants to see a plan to review for approval at the next meeting, January 2, 2019. There is a discussion regarding how soon the tests should be done. Ms. LaBelle feels like two (2) weeks is enough time to have these evaluations and water tests done. Ms. LaBelle makes a **motion** that water tests be done by December 19, 2018, a soil evaluation is done and a septic plan submitted by January 2, 2019. Ms. Burgwardt feels the motel should be shut down until the septic system is brought up to code and makes a **motion** to shut it down. *Discussion:* Mr. Krawet asks if there are people staying there now. Mr. Zaarur says there are a few there now but they are only there because they have nowhere else to go. He says if they were not staying there, he would have closed it down because it is expensive to run the electricity. Mr. Krawet suggests extending the date of the motion. Ms. Burgwardt says if the water test comes back bad, the motel should be shut down. Ms. LaBelle says if the water is good, the motel can stay open; Ms. Burgwardt agrees. Ms. LaBelle makes the **motion** as discussed: to have water tests done, soil evaluation, tank evaluation, to determine the depth and location of the trenches by December 19, 2018. If the water tests come back bad, the motel will be shut down. A plan needs to be submitted by January 2, 2019. Ms. Burgwardt **seconds the motion**. All in favor. **Motion passes**.



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Mr. Zaarur asks about having it done within two (2) years instead as Title V states. Ms. Smith clarifies and says that Title V does allow up to 2 years for repairs to be made- unless the Board of Health determines there is a risk to public health at which time they can order it to be brought up to code immediately. The concern here is back-up into the facility.

78 Pine Dale Circle: Ms. Smith reports that a Title V inspection was done here and it passed. The owner can now move ahead to get their certificate of occupancy. This case is closed.

New Business

- a. **Community Kitchen requirements:** Ms. LaBelle asks Ms. Smith to verify if being certified in CPR counts as being certified for choke saver. Ms. Smith says if their CPR course covers the Heimlich maneuver then it counts as being certified for choke saver. Some courses don't cover this procedure so not all CPR certifications count towards choke saver. Ms. Perotti lets the Board know that the Select Board wants to know what will be required for the kitchen with the new food code that will be implemented next year. This includes all types of scenarios including but not limited to:
- bringing in food to cook themselves and serve
 - bringing in food to heat and serve
 - bringing in food that is already prepared and only served

Ms. Smith suggests the permit holder, for example, the **Council on Aging (COA)** is an entity that is permitted to use the kitchen downstairs for luncheons. Ms. Smith feels they should have the choke saver to protect them since the luncheons are advertised in the paper; there is the possibility that there could be more than twenty-five (25) people there. If someone were to hold a private birthday party or potluck dinner, they would not be required to have someone present certified in choke saver.

Ms. Burgwardt says she has heard some feedback from the COA who is concerned they are being held responsible when private parties come in and don't clean up after themselves. Ms. Smith suggests that when the town rents out the Community Kitchen, they charge a cleaning retainer that will be returned provided the kitchen is left satisfactory.

- b. **Full Circle permit renewals:** Ms. Smith says that in the past, solid waste haulers- also known as trash collectors- have not been licensed. All other towns do because it is a requirement of the state rules. Ms. Smith is requesting permission from the Board to send out the same letter that other towns send out to solid waste haulers to inform them how to get licensed in Becket. Ms. Smith states the same thing applies to lodging permits.



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Correspondence

Ms. LaBelle reports she spoke with Full Circle regarding the permitting program to find out when DSCP applications will be added since that is what Becket uses most. She did not get a clear answer. She instructs Ms. Perotti to hold off sending the invoice to BRPC until more information is received from Full Circle.

Ms. LaBelle talks about properties being sold through quit claim deeds that are not being inspected properly. All properties sold need to have Title V inspections and the ones being sold through quit claim deeds are not having these inspections. Ms. Smith says she is compiling a list of properties sold without Title V inspections and will be sending out letters of non-compliance/orders to correct to the current owners. Some may be eligible for exemptions and that is also explained in the notice. Ms. Smith also suggests notifying realtors and attorneys. Ms. Smith talks about manifest injustice. If the septic upgrade costs more than ten to fifteen percent (10-15%), then the Board is allowed leeway with the regulations to get it approved. Those that receive letters will be allowed to appeal.

76 Shawnee Shore Road: Ms. Perotti says a letter was received regarding the Title V inspection that was done here. Ms. Perotti reminds the Board that water tests were submitted with the report but that address was 76 Shawnee Circle. Ms. LaBelle reads the letter into the record which confirms the samples were taken at the date and time when the inspection was done. Charleen, from Brian Pranka's office, dropped off the samples to the lab and filled in the wrong address. Ms. LaBelle checks the status of the water reports and confirms the water samples are within the reporting limits and the Board accepts the report.

531 Moberg Road: Ms. LaBelle reads an email from Ron Lavigne into the record. In his email, Mr. Lavigne reports of a Title V inspection he conducted here in June, 2016 finding that the tank and field were in good condition but the distribution box (d-box) showed signs of deterioration. The d-box was replaced. However, due to medical issues, the home has not been occupied since the inspection. Since Title V provides for a one (1) year extension on inspections where the tanks have been pumped before the anniversary of the inspection and since the system hasn't been used at all for more than two (2) years, Mr. Lavigne suggests granting an extension to three (3) years for the existing inspection and to conduct another inspection once the system has normal flows going to it. There is a brief discussion. Ms. LaBelle makes a **motion** to delay the Title V inspection, due to weather, at 531 Moberg Road but in no case later than June 20, 2019. Ms. Burgwardt **seconds the motion**. All in favor. **Motion passes**.



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Ms. Perotti shows the Board a letter from MassDEP to the Town Administrator regarding *Small Town Environmental Partnership (STEP)*. The program offers small municipalities the opportunity to voluntarily partner with MassDEP to review environmental compliance of municipal facilities and to develop a strategy to correct any outstanding issues.

Budget

Ms. Perotti reports that approximately half of the budget has been spent.

Any other business to come before the Board

Ms. Smith presents a draft document of local septic regulations from the **Berkshire Public Health Alliance (BPHA)** to be considered by Becket, Peru, Windsor and Washington Boards of Health. Ms. Smith asks that these regulations be added to the next meeting agenda. These regulations memorialize everything that she and Ms. Burgwardt have been requiring in Becket including effluent filters, speed levelers on gravity systems, septic tank pump chambers, water tightness and having access ports. It also states that Title V inspections need to be witnessed by members/agents of the Board of Health. Ms. Smith says she will be going through it to edit it for Becket. Ms. LaBelle asks the Board to read through it for next month.

The next meeting is set for January 2, 2019 at 5:00 PM.

Adjournment

Ms. LaBelle makes a **motion** to adjourn. Ms. Burgwardt **seconds the motion**. All in favor. **Motion passes**. Meeting is adjourned at 7:01 PM.

Meeting Minutes review and approved on February 13, 2019 by:

Gale LaBelle, Chair

Laurel Burgwardt, Vice Chair

I. David Krawet, Clerk