Meeting Minutes for September 4, 2019

Board Members Present: Gale LaBelle, I. David Krawet and Laurel Burgwardt - arriving at 5:12 PM
Board Members Absent: None
Health Agent: Jayne Smith
Administrative Assistant:
Public Present: Tim Leahy, Cathy Defoe, Mike Albano, Susan Deacon, Andy Troiano, Jim Sullivan and Fred Sears

1. Call to order: Ms. LaBelle calls the meeting to order at 5:04 PM and reads the rules of the meeting.

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

2. Board to review and approve meeting minutes of July 10, 2019 and August 7, 2019:
   Ms. Perotti lets the Board know the August minutes are not ready yet. Ms. LaBelle notes that her name is misspelled on page 4, in 9a. Ms. Burgwardt makes a motion to approve the minutes of July 10, 2019. Ms. LaBelle seconds the motion with the correction she discussed. All in favor. Motion passes.

3. Reports from Health Agent, Jayne Smith:
   a. 751 King Richard Drive: Ms. Smith reports that Charlie Kaniecki reviewed the plan and noted there was shallow ledge that may modify the installation but says it looks ok to issue. Ms. LaBelle makes a motion to approve the plan. Ms. Burgwardt seconds the motion. All in favor. Motion passes. Ms. Perotti notes that she was told Paul Giardina would be installing this system but he has not registered as an installer in Becket yet.
   b. 11 + 12 Brooker Hill Road: Ms. Perotti confirms this should read 7 + 12 Brooker Hill Road. The Board recognizes Cathy Defoe and Fred Sears. Mr. Sears explains to the Board the changes he would like to make to the septic system to combine the Arts Center, Mullen House and Athenaeum. Mr. Sears says he will explain the Athenaeum later. After brief discussion, Ms. LaBelle says she would like to see everything listed on the plan. Mr. Sears says he has not filled out the DSCP application yet but will do that. Ms. Smith reminds him it is important that all applications are together. Mr. Sears confirms he will rework the plan based the Board’s input.
   c. 3582 Jacob’s Ladder Road: Ms. Smith reports that Charlie Kaniecki witnessed a perc test here that had a rate of less than two (2) minutes per inch with no ground water to seven feet (7’). Ms. Perotti notes that the application fee has still not been paid and hard copies of the septic plan have not been submitted yet.
Meeting Minutes for September 4, 2019

d. **92 Depot Street, DSCP 2019-1 – revision proposed**: Ms. Smith lets the Board know that Charlie Kaniecki reviewed the revised plan submitted for this property and says a permit should not be issued until the water source is determined to be on the property. Ms. Smith points out the location of the well to the Board. She suggests that the Board make it a condition that the existing well on the southeast side of the house must be decommissioned prior to issuance of Certificate of Compliance (COC). She also recommends that the Board make another condition to keep vehicles ten feet (10’) from the leech field with large stones or something that would block access. Ms. Smith says the Local Upgrade Approval (LUA) is asking for a one foot (1’) separation to estimated seasonal high groundwater (ESHG). Ms. Smith asks that the installer contact the office at the start of construction. Ms. Burgwardt makes a motion to approve the plan as discussed. Mr. Krawet seconds the motion. All in favor. Motion passes.

e. **29 Chester Road, DSCP 2019-10 – revision proposed**: Ms. Smith says a revision was submitted. Ms. Perotti says she did not receive a copy of the revised plan that was proposed. Ms. Smith reads an email from Ofer Zaarur, owner of the Becket Motel located at 29 Chester Road that explains how the revision will save on costs and how it will operate. Ms. Smith says they are asking to go from proper sized pump chambers, which were already approved by the Board, to a pump chamber that will not meet Title V code. Ms. Smith advises the Board that the Board should stick to the plan that was already approved. Ms. Smith also questions if water tests are being done regularly there. Ms. Perotti confirms that the last results that were received were from samples collected by Ms. LaBelle in June. Ms. LaBelle reports that Mr. Zaarur is claiming there has not been anyone staying there so he did not get the water tested. There is a brief discussion regarding the number of cars that have been reported to be at the motel on a semi-regular basis. Ms. Burgwardt feels that the motel should be shut down until he can show everything has been brought up to code. Ms. LaBelle would like to give him a deadline date to have the system installed. Ms. Smith reminds the Board he has been given several dates – all of which have been ignored. Ms. Smith recommends that this matter be brought before a judge so that any order issued by the Board can be enforced by the courts. Ms. Smith says their next step is to issue a notice of non-compliance along with a court date. Ms. LaBelle agrees but thinks he should be given thirty (30) days. Ms. Smith suggests giving him a date in mid-October that gives him forty-five (45) days to get it installed. If he doesn’t do it, the court date it set and if he does- it can be canceled. Ms. Burgwardt makes a motion to give the owner of the motel a court date to have the system installed. Ms. LaBelle agrees but says revisions won’t be approved.
Ms. Burgwardt revises her motion that the Board will not accept any further revisions to what the Board previously approved; the septic system needs to be installed as approved. A court date will be set in October and if the system is not in compliance by then, the Board will proceed with court hearings. Discussion: Mr. Krawet wants to know if this will be enough time for the system to be installed. Following a brief discussion, the Board agrees this would be plenty of time to get the system installed. Ms. Smith says the court date will be October 16, 2019 or later. Ms. LaBelle seconds the motion as discussed. All in favor. Motion passes. Ms. Smith also asks the Board to order water tests be done on a monthly basis. She notes that she has collected samples along with Ms. LaBelle and says it cannot continue that way. He needs to make his own arrangements. Ms. Burgwardt makes a motion for water tests to be done on a monthly basis. Mr. Krawet seconds the motion. All in favor. Motion passes.

f. 0 Stoney Brook Road/Hamilton Road; Map/Lots: 217/40.12+40.13: Ms. Smith confirms that Charlie Kaniecki reviewed this septic plan drafted by Fred Sears of Hill Engineering and recommends approval noting the system is for two (2) dwellings. The Board reviews the plan with Ms. Smith. Ms. LaBelle notes that the septic outlet tee filter needs to be removed, inspected and cleaned once per year and asks that it be listed as a condition. Ms. Smith notes that a LUA would not be allowed since it is new construction. Ms. LaBelle says they will also need a permit for a new well. There is a brief discussion regarding where the dwellings will be that this system will serve. Ms. Smith calls Fred Sears. Mr. Sears says the lots will be combined and will be for one (1) house. Ms. Smith says they will need to contact the office to notify when they will start the installation and that an as-built sketch will be required to issue the COC. Ms. Perotti notes the fee has been paid. The owner is a certified septic installer and has paid to install his own system. He says that because of the time of year, he may not get to install it until early next year. The Board agrees since he has already paid the fee, he will be allowed to install his own system next year, but no others unless he renews the permit. A motion is overlooked and not made by the Board to approve the plan.

4. COC sign-offs:
   a. 27 Western Avenue, 2019-4: Thomas Delaney/Laurel Burgwardt: This system was installed and the COC was submitted with an as-built sketch.
   b. 113 South Cove Drive, 2018-5: Paul Willis/Laurel Burgwardt: Ms. Perotti reports she received the as-built and COC for this installation.
c. 674 Benton Hill Road, 2017-33: Robert O’Brien/Laurel Burgwardt: Ms. Burgwardt lets the Board know she was called to inspect this installation but there was only a hole dug; nothing had been installed.

d. 325 Friar Tuck Drive, 2019-15: John Murray/Laurel Burgwardt: Ms. Perotti says she has left messages for Mr. Murray to drop off the COC and as-built; she is still waiting for them. Ms. Smith informs the Board that Mr. Murray put a bid on the job without even looking at the plan. When he went out to install it, he discovered there was an alarm that needed to be installed. She says it is required for installers to look at the plan to give an accurate quote for the job. The homeowners got their funding based on the quote he gave them. Ms. Smith recommends that he not be allowed to install systems in Becket in the future.

e. 175 Mystic Isle Way, 2018-17: Paul Willis/Laurel Burgwardt: Ms. Perotti reports she received the as-built and COC for this installation.

5. **Title V inspections:**
   a. 14 Sir Galahad: Scott McFarland/Jayne Smith: Ms. Smith reports this inspection was a pass. Ms. Perotti notes that the inspection report has not been submitted yet.
   b. 178 William Holmes Road: Paul Willis/Laurel Burgwardt: Ms. Burgwardt says this inspection was a pass pending water tests. Ms. Perotti notes that the report has not been submitted yet.
   c. 3238 Main Street: Paul Willis/Laurel Burgwardt: Ms. Burgwardt reports it was a pass. Ms. Perotti says the report needs to be submitted.
   d. 40 Dragon Way: Paul Willis/Laurel Burgwardt: This inspection has not been scheduled yet.
   e. 834 George Carter Road: Jesse Giardina/Laurel Burgwardt: Ms. Burwardt says this was a pass; Ms. Perotti says the inspection report has not been submitted.
   f. 124 Osceola Drive: Failed Title V in 2016: Ms. Perotti says she got a call from Bill Allen regarding this failed inspection. He said he drafted a plan for this to be upgraded but it was never done. We was wondering if the Board could force anything to be installed so he can be paid for the draft. Ms. Smith agrees it should be addressed and advises the Board to issue a letter to have the system repaired. Ms. LaBelle makes a motion for Ms. Smith to draft a letter to send to the current homeowner at 124 Osceola Drive. Mr. Krawet seconds the motion. All in favor. Motion passes.

6. **Percolation tests:** Ms. Perotti asks the Board to determine how they would like to handle witness fees for more than one (1) perc test done on the same day but with the same property owner. There is a brief discussion regarding if the lots are adjoining or not. Ms. Smith feels that if the lots are contiguous that it would stay on the same fee
rate. However, if the lots are not contiguous, it should start a new witness fee because sometimes the lots are far away which requires travel and should really have a separate fee. Ms. LaBelle makes a motion that if lots are not contiguous, separate fees are required for additional perc tests. Ms. Burgwardt seconds the motion. Discussion: Ms. LaBelle clarifies and says that if a homeowner has lots that are separated and they need percs on both lots, they will be charged two (2) witness fees. If the lots are contiguous and require separate perc tests, they will be charged one (1) fee. All in favor. Motion passes.

7. Housing: This was overlooked by the Board.

8. Full Circle: Permits issued-

   a. Camps: All Out Soccer Camp: This permit was issued.

   b. Septic System Installer’s Permits: Permits were issued to the following:

      i. Mark Boomsma-M&M Site Service

      ii. Robert O’Brien-P&R Construction LLC

   c. Septage Haulers: Sullivan Sanitation- pumping without a permit: Ms. Perotti reminds the Board that Mr. Sullivan agreed previously to return tomorrow to get his installer’s permit.

   d. Food Establishment inspections: Ms. Perotti says that Nancy Ruderman did the inspections at Jacob’s Pillow. The inspection reports are still outstanding for:

      i. The Old Inn on the Green at the Pillow

      ii. Savory Harvest Catering at the Stone Dining Room

9. Permit Eyes sign-offs:

   a. 128 YMCA Road: Andy Troiano to discuss proposal and well location: The Board recognizes Andy Troiano. Mr. Troiano explains he got a permit to construct a garage here but the day before the start of the project, the Building Inspector put a hold on it because it a variance is needed from the Planning Board. During the process of getting the variance, the Planning Board noticed that the well was within ten feet (10’) of the proposed garage. Mr. Troiano
Town of Becket
Board of Health
557 Main Street
Becket, Massachusetts 01223
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Meeting Minutes for September 4, 2019

explains he would like to get the required variance from the BOH for the well location. Ms. Smith goes through the well regulation for the Board that states the Board could offer the variance providing the well will be protected. Mr. Troiano says he could put a silt fence around it and will do the digging in that area by hand. Mr. Krawet wants to be sure there is still access to the well if needed. Ms. Smith says there is a chance the casing could crack and recommends to the Board that a water test be done following construction to ensure that hasn’t happened. Mr. Krawet wants to know what would be done if the casing does get cracked. Ms. Smith says there are remedies to repair cracked casings. Ms. Burgwardt makes a motion to allow a 5’ variance to the well from the proposed garage. Results of discussion:

- Silt fence to be installed around well
- Negative drainage around the well
- No construction around the well
- Well to be inspected
- Water to be tested
- Gutters to be installed for water to be diverted away from the well

Mr. Krawet seconds the motion as discussed. All in favor. Motion passes.

b. 5 Tecumseh Drive: Construction to stay within the footprint of existing framed structure/alterations to be made to the layout - BOH approved DSCP 2019-7 on 4/3/2019: Ms. Perotti asks the Board if they would like her to do the sign off for this Building Permit; all construction will be done inside the house. Ms. Smith reminds the Board about the septic approval going from two (2) bedrooms to three (3). Ms. LaBelle says the sign-off can be done.

10. Old Business: Tobacco Permits- informal discussion regarding issuing permits for selling tobacco: Ms. LaBelle says that Becket has not issued these permits in the past. Ms. Smith agrees that Becket is not the only town that hasn’t issued these permits in the past but says it is even more important to do so now with all the vaping products that are sold under those permits.

11. New Business:

   a. 104 Stanley Road: informal discussion with Michael Albano regarding a Title V inspection requirement: The Board recognizes Mike Albano. Mr. Albano explains that there was a fire here and he would like to rebuild the home. Ms. LaBelle says he needs to have a Title V inspection to confirm everything is functioning properly. Mr. Albano questions why he needs to have the inspection when he already knows it is working properly. Jim Sullivan interrupts on Mr. Albano’s behalf. Mr. Sullivan explains he looked at the system but did not write
Meeting Minutes for September 4, 2019

up a report for it. Ms. LaBelle explains that there needs to be a witness at the inspection. Mr. Sullivan said he tried to get someone to come and sign off on the inspection. Ms. Perotti clarifies that without the inspection or letter for the file, it can’t be signed off. Mr. Sullivan says he created an as-built sketch of the system. Ms. Smith says that if the inspection has been done already, the report only takes ten (10) minutes to fill out; she doesn’t understand what the problem is with writing up an official report. Mr. Sullivan agrees but the cost for him to fill out the report is $650.00. Mr. Sullivan says he has no problem with a witness coming out to look at the system. Mr. Albano says he’s been there approximately forty-five (45) years and Mr. Sullivan has maintained the system since he bought it. There is a brief discussion regarding the condition of the system. Ms. Smith says their main concern is that waste isn’t interacting with ground water. Ms. LaBelle asks the Board if they feel a soft Title V would be sufficient for this system. Ms. Burgwardt and Mr. Krawet agree it would be sufficient. Ms. Perotti asks if a letter could be submitted for the file by Mr. Sullivan stating he inspected the system following the fire and it is functional. Ms. LaBelle asks Ms. Burgwardt if she will witness the inspection done by Mr. Sullivan; Ms. Burgwardt agrees. Ms. Burgwardt makes a motion that a soft Title V inspection be done by Mr. Sullivan with a letter to be submitted for the file stating everything is functional. Ms. LaBelle adds that the water will also need to be tested. Mr. Krawet asks who will be preparing the letter for the file. Mr. Sullivan says he will prepare the letter. Ms. LaBelle seconds the motion as discussion. All in favor. Motion passes. The inspection is scheduled for September 9, 2019 at 10:00 AM.

b. 221 Carter Road: Board to review proposal from Gabe Shippee of Shippee Builders regarding a sign-off for the demolition and reconstruction of dwelling: Ms. Perotti informs the Board that Charlie Kaniecki signed off on this; Mr. Shippee needs to contact the office when he’s ready to do the Title V inspection.

12. Public Input: As discussed throughout the meeting.

13. Budget:

a. Ms. Perotti asks for a motion to pay $50.00 for Ms. LaBelle and Ms. Burgwardt to attend a training seminar regarding cannabis on September 10th. Ms. Burgwardt makes a motion to pay $50.00 for them to attend. Ms. LaBelle seconds the motion. All in favor. Motion passes.

b. Ms. Perotti notes the $10.00 taken out for Ms. LaBelle to attend the chokesaver training at Berkshire Regional Planning Commission and asks for another motion. Ms. Burgwardt makes a motion to pay the $10.00. Mr. Krawet seconds the motion. All in favor. Motion passes.
Meeting Minutes for September 4, 2019

14. Correspondence:
   a. Berkshire County BOH Listserve: Ms. Perotti informs the Board about the Listserve that was created by BRPC. It is to get feedback from other towns in the Berkshires regarding general questions.
   b. BRPC/BPHA: invoice to be paid for inspectional services: Ms. Perotti notes this was an error for the agenda; it has already been paid through September.
   c. WMPHA: Seminar for BOH on Cannabis, September 10, 2019: Ms. LaBelle and Ms. Burgwardt will be attending.
   d. WMPHA: Totally Title V, October 29, 2019: There is a brief discussion; the Board agrees there is no need to attend this year’s seminar.
   e. BCBOHA: Fall Dinner Meeting, October 24, 2019: There is a brief discussion regarding who will attend. Everyone would like to attend at a cost of $35.00 per person for a total of $105.00. Ms. Burgwardt makes a motion for the Board to attend the Fall Dinner Meeting on October 24, 2019. Ms. LaBelle seconds the motion. All in favor. Motion passes.

15. Any other business to come before the Board:
   a. The Board recognizes Tim Leahy. Mr. Leahy reminds the Board they approved a tight tank installation at 24 Western Avenue and requests permission to install the tank himself to save on costs. Mr. Leahy explains he consulted with the engineer and has changed the installation to a plastic tank. Mr. Leahy presents a recommendation letter from the Building Inspector, William Girard, who knows the excavator who will be working on the project with Mr. Leahy stating he feels confident Mr. Leahy can do the installation. Ms. Smith clarifies that Mr. Leahy is not a certified septic system installer and is requesting permission from the Board to do the installation of the tight tank at 24 Western Avenue. Mr. Leahy also presents a letter from Berkshire Engineering stating Mr. Leahy has a firm understanding of the plan. Mr. Leahy goes into some detail of some construction work he has also done in the past. After a brief discussion, Ms. Burgwardt makes a motion to issue a septic installer’s permit to Tim Leahy to install the plastic tight tank at 24 Western Avenue only. Mr. Krawet seconds the
motion. All in favor. Motion passes. Mr. Leahy says he will return to the office to get the permit.

b. Next, the Board recognizes Susan Deacon. Ms. Deacon says she has a question regarding 59 Sir Edwards Way. The property was purchased in the fall of 2017. The Title V inspection was done September 26, 2017 and it passed. The system was pumped annually to extend the inspection. The house is being sold again at the end of the month with a new buyer and wants to know if another water test should be done. The Board agrees that the water should be tested. Ms. Perotti gives a water testing kit to Ms. Deacon.

c. Ms. Perotti presents a septic plan submitted by Jackson Alberti of Foresight Land Services for 19 Switter Lane regarding the revisions made for the revised percolation (perc) rate. Ms. Burgwardt makes a motion for Jayne Smith to review the plan for approval. Ms. LaBelle seconds the motion. All in favor. Motion passes. Ms. Smith says she has already done a thorough review of this plan; the only change is they are acknowledging there are four (4) bedrooms now with the better perc rate. Ms. Smith says she is comfortable with the Board approving the plan.

16. Adjournment: The next meeting is set for October 2, 2019 at 5:00 PM. Ms. LaBelle makes a motion to adjourn. Ms. Burgwardt seconds the motion. All in favor. Motion passes. Meeting is adjourned at 7:10 PM.

Meeting minutes are reviewed and approved on December 5, 2019 by:

Gale LaBelle, Chair

Laurel Burgwardt, Vice Chair

I. David Krawet, Clerk