

Harvard Board of Health Meeting Minutes

Tuesday, May 2, 2017

Town Hall

Board Members present: Tom Philippou; Libby Levison; Sharon McCarthy, Chair

Attending: Ira Grossman, Nashoba Associated Board of Health; Richard Dolan, ABC Cesspool, Inc.; Louis Levine, Esq., Karen Goldenberg, McCarthy Reporting Service; Laura Vilain, Harvard Press; Alison Flynn, Board of Health ("BoH") Clerk.

Ms. McCarthy called meeting to order at 1:50

NEW BUSINESS

- a. Meetings with citizens/companies/town staff
 - ABC Cesspool, Inc.

The BoH Clerk began taking an audio recording.

The meeting began with Ms. McCarthy stating that the purpose of the meeting was for the BOH to deliberate on its decision regarding the existing order concerning ABC Cesspool, Inc. ("ABC"), and advising that the opportunity for comment by the public had already been closed.

Mr. Grossman reviewed the technical issues regarding ABC's past work.

Mr. Levine disagreed and felt the meeting was a continuation of the hearing.

Mr. Philippou spoke to his concerns regarding ABC's internal communication failure and lack of supervision. Mr. Philippou felt it was ABC's responsibility to ensure that a Title 5 inspector complied with Title 5 regulations, and needed to reach out to make sure the issues were remedied.

Mr. Grossman confirmed that this was an unusual suite of incidents with a particular inspector and company.

Mr. Philippou read aloud a motion for probation drafted by Town Counsel with Ms. McCarthy's input. Ms. Levison seconded. Mr. Philippou raised issue with the requirement in Paragraph 7, as he was concerned that 5 days is not enough time for the BoH to acknowledge ABC's response. He suggested 21 days was more appropriate to bridge meetings; Ms. Levison suggested 10 days was reasonable. Ms. Levison moved for amendment from 5 to 10 business days. Mr. Philippou seconded. A roll call vote was taken: Ms. McCarthy, aye; Ms. Levison, aye; Mr. Philippou, aye.

Ms. Levison clarified that Paragraph 5 requires only acknowledgment of receipt by ABC, and not a full response.

A roll call vote was taken to accept the probation terms as amended: Ms. McCarthy, aye; Ms. Levison, aye; Mr. Philippou, aye.

A copy of the motion with handwritten amendments was given to Attorney Levine.

Mr. Dolan & Mr. Levine exited at 2:04 p.m. The Harvard Press and the Court Reporter exited within minutes. The BoH Clerk stopped her audio recording.

OLD BUSINESS

- a. Action Points were reviewed.

PERMITS

- 108 Woodside Rd. - Mr. Grossman inspected the property prior to the meeting. The permit was signed by the BOH.

APPROVAL OF MINUTES

- March 28, 2017- Ms. Levison moved to accept the Minutes as amended. Mr. Philippou seconded. A roll call vote was taken: Ms. McCarthy, aye; Ms. Levison, aye; Mr. Philippou, aye.
- April 2, 2017- Ms. Levison moved to accept the Minutes as amended. Mr. Philippou seconded. A roll call vote was taken: Ms. McCarthy, aye; Ms. Levison, aye; Mr. Philippou, aye.

ADJOURNMENT

Mr. Philippou moved to adjourn at 4:38 p.m. Ms. Levison seconded. A roll call vote was taken: Ms. McCarthy, aye; Ms. Levison, aye; Mr. Philippou, aye.

***Respectfully submitted,
Alison Flynn, Clerk***

Documents Referenced:

- *Draft Motion of Probation*
- *Correspondence from Attorney Levine dated April 20, 2017, with exhibits*
- *Draft Minutes for 3/28/17 and 4/11/17 meetings*