

Harvard Board of Health Meeting Minutes

Tuesday, May 23, 2017

Town Hall

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

Attending: Laura Vilain, Harvard Press; Bruce Ringwall, GPR, Inc.; Kerry Kuntz, owner 34 Peninsula Rd.; Bill McElhaney, realtor for 18 Cove Rd.; Lih Shim Young, owner of 8 Willow Dr.; Timothy Kilhart, Department of Public Works (“DPW”) Director; Alison Flynn, Board of Health (“BoH”) Clerk.

Ms. McCarthy called meeting to order at 2:05 pm.

NEW BUSINESS

a. Meetings with citizens/companies/town staff

- 34 Peninsula Rd. – Bruce Ringwall presented with property owner, Kerry Kuntz, who plans to convert/replace the existing property with a new year round structure. Ira Grossman of the Nashoba Associated Board of Health (“NABH”), who was not present at the meeting, had provided Mr. Ringwall, via e-mail of 5/12/17, a list of the following issues to address:

1. *There is no valid water test on file at NABH or Harvard-* Mr. Ringwall provided the BoH with water test results performed by Nashoba Analytical on 10/29/13 which was given to Mr. Kuntz by the prior owner upon his purchase in 2014. Mr. Ringwall noted that the only out-of-range findings were on odor. Mr. Ringwall indicated that Mr. Grossman had suggested he would like a 4-hour quantity test performed, and Mr. Kuntz was amenable to the same.
2. *The well is less than 100 feet from the Sewage Disposal System (“SDS”)-* Mr. Ringwall expressed that this was a comment, not something to address, as the system is an I/A system, a JET, and it is permissible to be within 50 feet.
3. *A two-bedroom deed restriction is required and has not been recorded at the Registry of Deeds-* Mr. Ringwall presented a two-bedroom deed restriction that had been signed by Mr. Kuntz.

Ms. Levison moved to accept the prepared two-bedroom deed restriction. Mr. Philippou seconded. Vote was taken; all were in favor. The BoH members signed the deed restriction and the document was notarized.

Mr. Ringwall indicated that he would provide the BoH with a copy of the same once filed with the Registry of Deeds.

- 5 & 6. *The SDS is an I/A system which requires a maintenance and operations contract in accordance with the DEP’s approval. No current and valid inspection report for the I/A system is on file at*

the NABH- Mr. Ringwall presented a service contract signed by Mr. Kuntz, dated 5/23/17, with w/Steve Nelson, LLC, d/b/a Clearwater Recovery. Mr. Kuntz represented that he has prepaid Mr. Nelson for the year. Mr. Ringwall indicated that he will provide the BoH with a copy of the contract once Mr. Nelson has countersigned the agreement, and understands that Mr. Nelson will provide the BoH with a copy of the annual reports.

7. *The I/A has not been noticed & recorded at the Registry of Deeds-* Mr. Ringwall presented a notification form which had been signed & notarized by the homeowner which will be filed with the Registry of Deeds along with the deed restriction. He will then provide the BoH with a copy of the same.
8. *No Title 5 Inspection is on file at the NABH office for property transfer-* Mr. Kuntz had a copy of the Title 5 Inspection performed in the Fall of 2013 prior to the property testing. It was e-mailed to Mr. Grossman prior to the meeting and a copy was given to the BoH at the meeting.
9. *No Certificate of Compliance ("COC") has been issued for the subsurface Sewage Disposal System on the property-* The BoH members agreed that if the above-issues are addressed as indicated, they did not see any further impediment to issuing a COC.
10. *Mr. Grossman asked the BoH to closely review the Office and the Second Floor Living Room-* Mr. Kuntz explained the layout of the house, indicating there will be 7 rooms (First Floor: office, great room, master bedroom, kitchen; Second Floor: living room, and master bedroom; Lower Level: common room). The BoH members expressed concern that the doors to the office and Second Floor living room created privacy that could allow for the rooms to be misconstrued as bedrooms in the future. The BoH members requested the doors from one of these two rooms be removed. Mr. Kuntz agreed and indicated that he would remove the door for the Office.

Mr. Ringwall indicated that they are to appear before the ZBA on June 14, 2017, and requested that the BoH draft a letter confirming compliance prior to that date. The BoH agreed.

- 18 Cove Rd.- Mr. Ringwall presented regarding this year round property currently for sale by Ms. Harriet Perry who is living in a nursing home. Mr. Ringwall performed the testing and designed a four bedroom septic system (an upgrade from the existing 2 bedroom system) in 2010 when Ms. Perry was considering putting the house on the market. Ms. Perry then communicated to Mr. Ringwall that she only wanted to get the system permitted, and would leave the installation to the purchasers. At some point, Ms. Perry changed her plans and the house was not sold.

In reviewing the file, a note attached to the permit was found which indicated the permit was voided. Mr. Ringwall could not find any reason why this voiding was appropriate, and asked that the 11/23/10 permit to be reinstated prior to 5/30/17 (as closing has been rescheduled for 6/1/17) so that the owner/buyer has the opportunity to act on the permit prior to 11/23/17.

Ms. McCarthy moved to accept the 11/23/10 permit contingent on resolution of the issue indicating that the voiding was incorrect. The motion was seconded by Ms. Levison. Mr. Philippou moved to vote on the issue. A roll call vote was taken: Ms. McCarthy, aye; Ms. Levison, aye; Mr. Philippou, aye.

- 8 Willow Rd. – Property owner, Lim Shim Young, presented that his tank was replaced last Wednesday, was left open overnight by the installers during the heavy rain, and when Mr. Grossman then came to inspect the work the next day, was told the system failed. Mr. Grossman's e-mail to the BoH of 5/19/2017 indicated that he believed it to be a failing system because the leaching area is reported to be 1-2 inches above the seasonal high groundwater. Mr. Young felt the results may have been skewed because of the rain, and provided the BoH with a soil test performed on 5/17/17 which indicated no observed groundwater at 48"-64".

The BoH requested Mr. Young provide the installer's boring logs/field tests prior to the next BoH meeting on June 13, 2017 at 2pm so that the results can be discussed at the next meeting when Mr. Grossman can also be present. Mr. Young indicated that he would like to attend the meeting at that time.

b. *Charter Commission meeting talking points*- The members discussed the need to address at the meeting that processes be set up for communication within Town Hall to ensure that the BoH gets the support it needs, that IT support should be treated as overhead not department specific, that preparing a Handbook for Volunteers would be helpful, that the time commitment approximated for Board members is not accurate, and that all Boards should be informed of their contact person on the Board of Selectmen and Finance Committee within one month of the local elections. The members also discussed whether to discuss how the BoH's limited budget limits their ability to plan programs.

c. *Environmental forum on 5/31/17*- Ms. Levison and Mr. Philippou will attend.

d. *MAHB letter regarding position on gas pipelines*- The BoH received an e-mail from MAHB requesting the BoH sign on to their draft letter in opposition to the installation of additional fracked gas infrastructures. Mr. Philippou moved that the BoH sign the letter in support of the MAHB's position, describing detrimental effects that the gas lines can cause. Ms. Levison seconded. A roll call vote was taken: Ms. McCarthy, aye; Ms. Levison, aye; Mr. Philippo, aye.

e. *Discussion of House Bill 1112*- The need to oppose House Bill 1112 was discussed. Ms. Levison moved to join the opposition initiative; Mr. Philippou seconded. A roll call vote was taken: Ms. McCarthy, aye; Ms. Levison, aye; Mr. Philippo, aye.

f. *Clerk operations/reporting communications*- it was discussed how clerk operations and communications with the BoH members can be streamlined. The clerk will limit her recitation of communications with the public to an e-mail to the BoH members at the time the draft agenda is sent.

g. *Update from Health Agent and BoH clerk*- Ms. Flynn reminded the BoH that a response to Mr. Dolan's Open Meeting Law Complaint is due on 6/6/17.

OLD BUSINESS

a. *Tim Kilhart, DPW, Beaver management*- Mr. Kilhart reported to the BoH on the number of beaver trapped at each of the six locations, and advised that his use of the emergency permits issued at

the last BoH meeting was successful. He will continue to monitor the sites and does not need additional emergency beaver permits issued at this time.

b. *Waste haulers* – It was discussed that M. Sullivan & Son Disposal has not responded to the BoH's request for proof of liability coverage to date. The BoH members decided to run the press release without listing M. Sullivan & Son as active waste haulers.

c. *BoH activities/goals 2017*- The need for member "point" people on certain topics was discussed. It was decided that Mr. Philippou will act as the point person regarding tick issues for NABH health agent, Tamara Bedard, and Ms. Levison will act as the point person regarding recycling.

d. *32 Madigan Lane*- Ms. McCarthy stated that she believe a check was mailed to the homeowner.

e. *Article IV: Update*- The revised Article IV has been posted to the BoH website and sent to DEP for the Central Registry. The BoH clerk has requested the Town Clerk post it to eCode360 posted on the website, and it will then be posted to the Town Hall bulletin board and run in the Harvard Press.

f. *Tobacco 21: Discuss Next Steps*- It was agreed that the members will read the supporting documents mailed to the BoH by Mr. Grossman on 5/10/17 in preparation for the next meeting.

g. *Review Action Points From Last Meeting*- The Action Point were reviewed.

h. *Desk coverage*- Desk Coverage for the next two weeks was decided.

PERMITS- None.

APPROVAL OF MINUTES- The members decided to postpone the review of the Minutes of 5/2/17 and 5/9/17 for another meeting.

ADJOURNMENT- Ms. McCarthy moved at 4:29 p.m. to recess until after the Charter Commission Meeting. Mr. Philippou seconded. A roll call vote was taken: Ms. McCarthy, aye; Ms. Levison, aye; Mr. Philippou, aye.

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

Documents Referenced:

- *34 Peninsula "Streets" file;*
- *18 Cove Rd. "Streets" file; 8 Willow Rd. "Streets" file;*
- *Beaver Management Program information sheet.*