



*Town of Rochester
Board of Health
37 Marion Road
Rochester, MA. 02770
Phone: 508-763-5421 Fax: 508-763-5379*

BOARD OF HEALTH MINUTES

March 8, 2023

4:00 PM

Present: **Glenn Lawrence, via telephone** **Karen Walega, Health Director**
 Sarah Tisdale Eby **Susan Kucinski**
 William David Souza

MEETING CALLED TO ORDER AT 4:00 PM

DISCUSSION:

1. Review Minutes- December 7, 2022
 January 4, 2023
 January 12, 2023
 February 8, 2023

2. Signatures for Public Health Nurse Contracts, one with 10 Hours and one with 18 hours
The Finance Committee approved both contracts. This now has to go through Town Meeting.
Sarah Tisdale Eby made motion to approve.
Dave seconded the motion. All In favor, motion passes. Sarah Tisdale Eby and Dave Souza both
signed. Glenn Lawrence said he agreed and will sign when he returns. Karen Walega thanked
the board members.

3. Discussion – Selectmen’s request for Pledge of Allegiance before meeting

Dave made motion to do the Pledge of Allegiance before meetings. Sarah Tisdale Eby seconded, all in favor. Motion passes.

4. Review Correspondence

- a. Relevant Service Agreement for Regional Software – Subscription and License agreement is effective February 1, 2023 is by and between Relavent Systems, Inc., of 48 Center Street, Boston, MA 02119
- b. Summary of February 22, 2023 meeting with John Maffei about Trailside issues. Present at the meeting were John Maffei, Ken Motta, Jeff Eldridge, Nancy Durfee, Paul Boucher, and Karen Walega. John summarized that Bioclere came out to evaluate the system. He ordered new pumps because the original pumps were already in the unit. If there is a problem with the Bioclere unit, a signal will be sent to Bioclere and they will respond by sending someone out in 24 hours. John estimated Bioclere would be operational within 3 to 4 weeks. A shed was built to house the electrical panel. Heat has been added to the building. The fiberglass unit should be recoated. Eversource will not estimate when the power will be turned on. John got the name of the person who helped him get power to the shed. Club house is built. Contacted Anderson Pool Company for a gunite pool. They project that the pool will be installed in April of 2023. Discussed that Bioclere said that the Bypass was not necessary. Ken Motta requested John get a letter stating that because that was not the information given to us in the August 2022 meeting. Spoke with Linda, who was waiting on Michael. John has been in touch with Rich Rheame. John told Rich he needs to provide a punch list, by February 23, 2023. We discussed him having a backup engineer if Rich cannot complete the job. John said he is giving Rich a chance, but he has spoken to other engineers that worked on the project originally to see what their availability is. This has been put on hold until John returns from out of state. Discussion that since he had a new installer, he must obtain a new septic permit. Scope of the work is to just work on the system components, and Bioclere would take care of the system from shed to Bioclere. John's hope is to complete the circle and have that totally done before units are sold. Every units is considered a Model home, the systems will not be turned on until they are ready to move in. John is away from March 1 –March 14, 2023. He will contact us when the pumps come in. He will contact Dave Nicolosi and have him come in for the new permit. Karen Walega advised to review meeting summary when he returns.
- c. Appointment letter for Board Administrator. Town Administrator Glenn Cannon appointed Susan Kucinski as the part time Administrative Assistant, effective February 23, 2023.
- d. Gov. Healey unveiled \$750M tax relief package. Governor Maura T. Healey and Lt Governor Kimberley Driscoll unveiled a \$742 million tax relief package that provides significant savings for families, renters, seniors, farmers, commuters, and more. The proposal also includes key reforms to the tax code that will bring Massachusetts in line with other states, making it a more attractive place to live, work and do business. This package of tax reforms for the Fiscal Year 2024 (FY24 will be filed on Wednesday as companion legislation to the administration's FY24 budget (H.1). The proposal is built around the relief that will go directly to families, seniors and those dealing with the high costs of housing. That includes: Healey's Child and Family Tax Credit, a new benefit that will provide families with a \$600

credit per dependent, including children under 13, people with disabilities, and senior dependents ages 65 and older. An increase to the rental deduction, currently capped at 50 percent of the rent up to \$3,000 to \$4,000. At a cost of \$40 million, this increase will help offset the high cost of housing for 880,000 renters. A proposal to double the senior circuit breaker credit from \$1,200 to \$2,400 for low-income seniors with high property taxes or rent, helping seniors in 100,000 households stay in their homes. Reforms to two taxes in which the state is currently an outlier. It will reduce the short-term capital gains tax from 12 percent to 5 percent. It would also eliminate the estate tax for all estates valued at up to \$3 million with a credit up to \$182,000. Massachusetts is one of only 12 states that has an estate tax. Other components of this tax package include: Housing Development Incentive Program (HDIP) – Increase the \$10 million annual cap on HDIP credits to \$50 million in the first year, and \$30 million per year moving forward for developers as an incentive to provide more market-rate housing in the state's Gateway Cities. Apprenticeship Tax Credit – Improve access to apprenticeships for workers by expanding the list of occupations that qualify for employer tax credits and doubling the statewide cap on credits to \$5 million. Dairy Tax credit – Increase the statewide cap from \$6 million to \$8 million to protect the state's dairy farmers from fluctuations in wholesale milk prices. Live Theater – promote local live theater productions with a new credit for a share of payroll, production, and transportation costs for qualifying productions. Title V- Double the maximum credit to \$12,000 (40% of \$30,000) for expenses incurred at a primary residence for repair or replacement of failed cesspool or septic systems. Lead Paint Abatement – Double the allowable deductions to \$3,000 for full lead paint abatement and \$1,000 for partial abatement. Local Cider – Promote more locally produced hard cider and still wine by allowing higher-alcohol content ciders and wines (up to 8.5 ABV) to qualify for lower tax rates typically reserved for low-alcohol content products. Student Loan Repayment – Exempt employer assistance with student loan repayment from income taxation from student borrowers. Commuter Transit Benefits – Add regional transit passes and bike commuter expenses, such as bike-share memberships, purchases and storage, to those that qualify for tax deductions, alongside existing expenses like tolls and MBTA passes. Brownfields – Extend the brownfields tax credit program, currently set to expire in 2023, through 2028. This program allows taxpayers to claim a credit for costs related to cleanup of contaminated properties.

- e. Rochester Police Department Lockup Facility Inspection – Review of the Inspection Lockup Facility report #M9001257, by the EOHHS, conducted on 2/23/2023. Report indicated there were several health and safety violations found, they are as follows: #1 Audio and Security devices: 105 CMR 470. 409. Repeat; Security Devices: Electronic security device readout not available at the time of inspection. #2. Bedding/Cups/Disposable towels, 105 CMR 470.102(A) Bedding: Blankets not available to detainees; Suicide Hazards: Hazards Statement: as part of the inspection the inspector looked for the presence of "potential" suicide hazards beyond the provisions outlined at 105 CMR 470.000. He noted a list of conditions that could possibly contribute to the commission of a suicide. While the condition is not a violation of any law or regulations, the facility should be aware of the existence. Suicide Hazards: exposed door hinges in cells #1 and 2.
- f. Access to Town Counsel Policy: Purpose is to ensure that access to Town Counsel is controlled in order to maintain a record of legal opinions and advise. To ensure that

budgetary limitations are maintained. Policy: Access to Town Counsel for all town employees, appointed Board/Committee members, or elected Board/Committee members shall be managed by the Town Administrator. Every effort shall be made to identify the answer to routine legal questions independently through examinations of MA General Laws, local bylaws, regulations and/or by contacting a State agency or counterpart in another community. Members of the Select Board and the Town Administrator are authorized to contact Town Counsel with requests for opinions and advice on and/all matters related to their administrative powers and duties .Procedure – All requests for opinions and/or use of Town Counsel services shall be made in writing to the Town Administrator, email is acceptable (form attached for guidance). Requests for opinion and /or use of Town Counsel services by any appointed Town Board, Committee, or Commission shall be by majority vote, and directed to the Town Administrator by the Board, Committee, or Commission's agent for approval. Requests will then be forwarded in writing with as much explanation of the issue as possible. Requests for opinion and/or use of Town Counsel services by any Town employee will be directed to the Town Administrator by the employee's Department Head for approval. The Town Administrator shall review all requests, and if approved, the request for opinion or services will be forwarded to Town Counsel. Denials may be appealed to the Select Board. Town Counsel's written opinion, if requested, will be returned to the Town Administrator, who will make a record of such opinion before forwarding to the employee, appointed Town Board, Committee, or elected Town Board/Committee, through the appropriate Department Head or Board/Committee agent. To discuss the issue in person, upon approval of the request, you will be given an appointment during office hours, to meet with Town Counsel directly. Litigation – Request for the initiation or defense of litigation requires the approval of the Select Board, or approval by the Chairman of the Select Board in instances requiring expeditious action by the Town. In either case, a written record of the approval will be maintained by the Town Administrator.

- g. Amendment to FY24 Board of Health Budget: On February 23, 2023, at its regularly scheduled meeting, the Rochester Board of Health discussed its Proposed FY 2024 Budget submission. The Board voted to amend the request for a Full-Time Board Administrator, and continue with the 15 hour per week position that we currently have. So the budget numbers will have to be amended. Our budget proposed the Board Administrator position be budgeted for \$41,964.00. The Board of Health projected figure for the 15 hour position to be: $\$21.52 \times 15 \text{ hours} \times 52 \text{ weeks} = \$16,7876.00$
- h. Letter to Michael Burke Jr., 373 County Road. The Rochester Board of Health conducted an inspection of the property from the street. It was discovered that a large amount of assorted metal goods are stored adjacent to the property, just off of the street line. In recent drive bys this accumulation of metals fluctuates. The driveway, which attaches to a two car garage, has an accumulation of discarded items that is two garage doors deep filled on one side with discarded items, leaving a pathway to the side door. In addition items are also stored on the other side of the path. Looking through the fence, there are large couch pieces on the front lawn. This was just an inspection of the only the front yard. Minimum standards for Fitness for Human Habitation, section 410.602 Maintenance of Area Free from Garbage and Rubbish states the owner of any parcel of land, shall be responsible for maintaining the parcel of land in a clean and sanitary condition and free from trash, rubbish,

another refuse. According to 410.750G Conditions Deemed to Endanger or Impair Health and Safety. Failure to provide adequate exits, or the obstruction of any exit, passageway or common area caused by any object, including garbage or trash, which prevents egress in case of an emergency. According to 410.830 Correction Order you shall call the Board of Health upon receipt of the letter to discuss the situation. In addition, he shall be given 30 days from receipt of this letter to removal all items from the side of the road, in front of the 2 car garage, along the other side of the driveway, and in front of the house. Any person affected by this order can request a hearing before the Board of Health within seven (7) business days of receipt of this notice. At the hearing you will be given an opportunity to be heard and to present documentation and witness as to why this order should be modified or withdrawn. An attorney may represent you. You have the right to inspect in detail and obtain copies of information of information in the possession of the Board. Any adverse party has the right to appear at the hearing.

1. Public Health Nurse Update


- 2. Health Director Update** – Karen Walega presented her report for the month of February 2023. She attended the following meetings: Assawompset/SRPRED; Team Meeting 40 R (wanted to add a senior housing complex to the development; 2/16 Meeting with personnel Board for Administrator position; 2/23 PHEG (Public Health Excellence Grant); 3/1 DEP Meeting; 3/2 Trailside Meeting with John Maffei; 3/7 DEP/MHOA Webinar; 3/7 Discussion with Town Council Policy; 3/7 Meeting with Finance Committee. One pool permit issued for 120 Forbes Road. 3 Perc tests: 12 Edwards Lane; New Bedford Road, Lot 28, map 4; and 393 Cushman Road; 2 Septic plan reviews: 12 Edwards Lane, and Clapp Road, ANR 1; 3 Complaint Investigations: 373 County Road, 375 County Rd, and Tripp residence on Robinson Road.

3. ANY OTHER MATTERS TO COME BEFORE THE BOARD: None

ADJOURNMENT:

Dave Souza made a motion to adjourn the meeting at 4:44 PM. Sarah Tisdale Eby seconded the motion. All were in favor and the meeting was adjourned.

DATE: 5-22-23


Chairman, William David Souza