



Town of Rochester
Board of Health
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BOARD OF HEALTH MINUTES

July 5, 2023

4:00 PM

Present: Karen Walega, Health Director
Sarah T. Eby, Board of Health
Susan Kucinski, Board Administrator
Glenn Lawrence, Board of Health
Dale Barrows, Board of Health

MEETING CALLED TO ORDER 4:00 P.M.

Sarah called the meeting to order. Glenn seconded the motion.

Review Minutes – June 7, 2023, minutes
Signature of minutes (still in progress).

Mileage sheet for Karen signed by the Board.

1. DISCUSS FINDINGS OF 373 AND 375 COUNTY RD INSPECTIONS

Karen advised administrative search warrants were obtained on June 9, 2023, at the Southeast Housing Court in New Bedford for the two properties, with the assistance of Town Counsel Attorney Brian Winner.

The search warrants were executed at approximately 0900 hours, on June 13, 2023. Karen provided images of the conditions of the properties at the time the warrants were executed. The Board reviewed the pictures. Karen also provided the Board with copies of the letters to the property owners with her findings of the conditions, including violations of 105 CMR 410.000. These were sent by mail and certified mail.

373 County Road: The search warrant was only for the exterior of the premises. Dale had reviewed the violations and questioned an issue with a CMR code regarding the peeling paint (373 County Rd). He asked who is cleaning up the property. Karen advised him she had been in touch with a veteran agent. She stated he has a younger son living there but needs to get help cleaning. Sarah, Glenn, and Dale reviewed the pictures closely and saw the egresses appeared to be blocked; there were many propane tanks. The Board felt the Building Inspector could have been more involved and done more. Karen explained the return of service had to be filed with the Court by June 30, 2023. In the meantime, the property owner was given 30 days to clean up the property. The mailings went out on Friday, June 30, 2023, via regular and certified mail. Dale had concerns about the number of propane tanks and said it was a public health issue, however, there is no law limiting how many you can have. There were numerous piles of scrap materials in the driveway and yard.

375 County Road: The search warrant was for the exterior and interior of the property. There is no one living there. The female property owner is living at another location with her children. The pipes burst in the winter, and the property owner had not remedied the problem with a plumber; additionally, there was a concern of rodents seen coming from the property (reported by a neighbor). Karen advised it is a hazmat situation, and she is waiting to hear a response from the homeowner to initiate a cleanup. Karen stated the Board of Health had been working on this case

for two years. She further explained other conditions, being egresses were blocked and live animals (two rabbits), in the home at the time the search warrant executed. The interior was stacked from floor to ceiling in every room with boxes, totes, children's toys, clothing, and other items. There was filth, dirt, clutter and no pathways in the rooms.

The resident had a right to request a hearing with the Board. Sarah requested the Board be notified when Karen hears something. Dale advised the Board will set a date for a hearing once the homeowner responds and requests a meeting.

Town Counsel Issue: Karen advised it is tough trying to deal with the new Town Counsel. It takes longer, and the matters on these two properties were e-filed at 6:30 pm. She was not happy with the representation. She said it takes longer to get responses and waited 2 days to get an answer from the court. Glenn advised it is a new firm and the attorneys have different specialties. Glenn will speak with the Attorney handling the County Road matters and will let the Board know the status at the next meeting.

Tree Talk Compost Toilet

There was discussion about the composting toilet. Karen advised there are no bathroom facilities, and it is a business. Glenn suggested a self-contained trailer bathroom as they come in different sizes. He questioned if they have a well and a generator. Dale questioned if there was a well permit pulled and if there was a Potability test. The Board denied the request for the composting toilet. They would contact the property owners regarding the decision and invite them to the next Board of Health meeting.

Tobacco Regulations:

The Board reviewed the packet previously provided by Ms. daCosta for the Regulation of the Rochester Board of Health, Restricting the Sale of Tobacco Products. There was discussion as to what the Town needs to go with regarding these regulations. Certain line items were highlighted in the packet and those were optional, not required. Dale stated those items looked more like a marijuana regulation than tobacco. The Board agreed to fine tune the regulations needed for the Town, and Sarah suggested emailing Meagan with any questions. Dale said a lot of the issues are not applicable to the Town. Meagan would be back on the August 2nd Board of Health meeting.

Nitrogen Pollution Regulations

The Healey-Driscoll Administration announced the final regulations setting Cape Cod on a path to reverse decades of nitrogen pollution and restore estuaries to their natural state. The regulations address elevated nitrogen levels from primarily septic systems and facilitate community-wide solutions to prevent excessive nutrient-loading of local water bodies.

The discharge of excessive nutrients, especially nitrogen, primarily from septic systems has been an on-going problem on the Cape. Elevated levels of nitrogen in waterbodies causes accelerated growth of nuisance plants, weeds, and algae that use up most of the oxygen in the water and force out indigenous fish and plant species. The waterbodies often experience a displeasing cloudy green coloring and unpleasant smell.

Watershed Permitting regulations are a new innovated approach to address the challenges and will give communities on the Cape a strategy to improve and restore area waterways to their natural state. The Watershed Permit is a 20-year permit that enables communities to design and implement wastewater solutions tailored to the specific watersheds and communities' needs. Watershed Permits will enable communities to implement a range of strategies to reduce nitrogen pollution, including

Attended Wellness clinics at the Annie Maxim House; wrote monthly Senior Center Newsletter article; attended Region 5 HMCC meeting; DPH webinars; attended SCPHC meeting and emailed summary to Rochester Board members; attended mandatory Vaccine Management training; investigated animal bite complaint; attended Rochester Block Party on June 22. Booth featured summer safety, sun safety, mosquito and tick safety. Handouts of citronella bracelets for children, individual packet of Deep Woods Off towelettes and packets of sun block. All the handouts were paid for by the Public Health Excellence Grant.

At the SCPHC Governance Board meeting was held on June 22 at the Mattapoissett Fire Station. Attendees included representatives from Westport, Mattapoissett, Rochester, Marion, Lakeville, and Freetown. Meeting was called to order by Matt Armendo of Westport, who is the Westport Director of Public Health & SCPHC Lead Community representative.

The Inter-Municipality Agreement Update summary as follows: The new deadline for execution of the IMA has been extended by the DPH to the end of December. The target date for this coalition is the end of July. The draft is being reviewed by each municipality's governing agencies. Inquiries were made about logistics if Mattapoissett wanted to hire an inspector utilizing grant funds. Specifically, could the person be in Mattapoissett and paid by the Town? Members described how the operation of grant funds were designed; positions paid for by the grant will be employees of the Town of Westport with full benefits but can physically be located anywhere within the region. The Governance Board discussed the following: a mental health provider for the region utilizing grant funds, option for grant funds, Shared Services new hires will be employees of the Town of Westport, but will be assets for all of the municipalities; an advertisement for a part time Shared Services Coordinator in another municipality and an inquiry if this could be an option for the SCPHC; months long discussions with legal counsel about the best way to handle the positions, ultimately, having the positions be full time, benefited employees of the Town of Westport was the best option. The Shared Services Inspector would have to know the state regulations and the regulations in each municipality. In-Temp data loggers were distributed to each municipality.

Discussion of Inspections Software updates. There were some issues syncing the electronic reporting with iPads. The group agreed that the electronic reporting and uniformity are beneficial. Most municipalities continue to make paper copies of the reports until the problems are resolved.

Shared Positions update and discussion. Mr. Armendo provided an update on the 2 positions. There is a possible hire for the Shared services Coordinator who might be able to handle both positions until a full-time inspector can be hired.

FY23 Budget Update Discussion. Mr. Armendo discussed a meeting with the Grant Coordinator for DPH. SCPHC has hit the maximum for spending on physical needs. Moving forward, grant money should be used to fund programs that promote public health, equity, and hiring staff. Work Plan needs some revisions to focus more on equity and public health.

Roundtable discussions: Senate Bill 2406, sections 10-14, propose the following changes to the current septic system tax regarding statute (c. 61, s. 6 (i)) as proposed by the Governor and adopted by the House. Increases the % of design and construction cost for upgrades or replacements of failed cesspools and other septic systems from 40% to 60%. This change is not in the Governor's/House proposed amendment. Deletes the current statutes reference to the 1995 Title V regulations and inserted the State Environmental Code. The change would make the rebate available for upgrades or replacements as required under the current or future codes. Increases the maximum system upgrade cost eligible for a rebate from \$15,000 to \$30,000. This change is consistent with the Governor's/House proposed amendment. Increases the maximum annual credit from \$1,500 to \$4,000. This change is consistent with the Governor's/House proposed amendment. Increases

centralized wastewater treatment and alternative approaches, such as aquaculture, innovative and alternative septic systems, permeable reactive barrier walls, and fertilizer reduction. Implementation of long-term wastewater plans is the most efficient and effective way to address the water quality changes. Cape communities have been working on Comprehensive Wastewater Management plans that have a variety of nitrogen-reducing strategies.

Cape Cod Communities will have two years to opt into a watershed permitting process. Under new requirements in MassDEP's on-site septic system regulations (Title 5), if communities choose not to obtain a watershed permit for a nitrogen sensitive watershed within two years, new septic systems in the watershed will be required to include enhanced nitrogen reducing treatment technology and existing systems will need to upgrade septic systems within five years.

The final regulations are focused only on Cape Cod watersheds that have been demonstrated to be impaired due to excessive nitrogen pollution, or "Natural Resource Area Nitrogen Sensitive Areas.

Health Director advised the Nitrogen Pollution regulations will only going to stick to the Cape, then start thinking about other communities.

Dale brought up regulations of denitrification within or up to 11 feet of wetlands.

Glenn feels there are more wetlands in Rochester. They discussed Nitrogen sensitive areas near water supplies and how passing the regulation would affect residents. Ponds have more phosphorus than nitrates, and the NSA denitrification would impact a small amount of people. Dale is concerned about the repairs. Karen expressed concerns about the wetlands, the setbacks, and denitrification. The regulations would be discussed at the next meeting.

Board of Health received CDC Health Advisories – poor air quality is due to the fires in Canada. The CDC reminded healthcare professionals seeing patients affected by the wildfire smoke to be alert to the possible adverse effects of smoke exposure, particularly among individuals at higher risk of severe outcomes. Acute signs and symptoms of smoke exposure can include headache, eye and mucous membrane irritation, trouble breathing, cough, wheezing, chest pain, palpitations, and fatigue. Wildfire smoke exposure may exacerbate respiratory, metabolic and cardiovascular chronic conditions like asthma, chronic obstructive pulmonary disease (COPD), and congestive heart failure. Recommendations and guidelines were attached to the advisory. Among them to stay indoors, and limited time outdoors. Monitor the fire and smoke map.

Food Inspections – Bob Ethier did the food inspections; Karen had not received them yet.

Karen advised she will be adjusting her hours and taking more time off.

If/when the residents of 373 and 375 County Road call, Sarah stated a meeting will be set up to discuss the matter with the Board.

1. PUBLIC HEALTH NURSE REVIEW

23 Reportable disease cases in June with tick-borne illnesses on the rise. Connie advised the information needs to be put out there and the numbers. Lyme Disease 15; Covid 19 (PCR) 1, Human Granulocytic Anaplasmosis 4; Influenza 1; Babesiosis 1; Group B Strep 1.

Weekly Wellness Clinics at the Senior Center are well attended. Clinic services provide various vital sign assessments; lung and heart sound assessment; oxygenation, wound, nursing education, psycho/social visits and assistance to seniors looking for new medical practitioners. Clinics had dropped from twice a week to once a week in June due to lack of funds at the fiscal year-end. Bi-weekly clinics will resume.

the maximum amount of credit carryover over a 5-year period from \$6,000 to \$18,000. The Governor's/House proposed amendment is a maximum of \$12,000. The SCPHC's next meeting is Monday July 17, 2023, and is virtual. Glenn inquired about pool inspections and how often they're tested. Karen advised the State Code is that they are to be tested four times a day. Dale inquired about perc tests. Is there a form and how far out are the scheduled? Karen advised they are not scheduled that far out. Dale inquired if there is an issue with the water table? Karen advised she does not know until she gets the plan. Sarah stated there is a formalized plan for perc tests regarding the water table on the field report. The person representing the Town has to give a report to the Board. Sarah said Dave (Souza) can witness a perc test, but he has to give the information to the Board and give them the form.

2. HEALTH DIRECTOR UPDATE

Septic inspection - 228 Mary's Pond Road; perc tests - 1087 Walnut Plain Road and Sarahbeth Lane; Department Head meeting, Title V reports - 182 Alley Road and 112 Marion Road; Food Inspections - Rochester Youth Baseball, Residential Kitchen 39 Stuart Road. In addition, Bob Ethier did inspections in town. Pool Inspection startups - The Pines, Gateway to Cape Cod. Beach inspection and weekly testing resumed for SPENA Beach. June 9, 2023, Appeared in Housing Court to obtain search warrants for 373 and 375 County Road. Documentation preparation with Town Counsel for both properties prior to the appearance. June 13, 2023, Search warrants executed with Rochester PD. Preparation of pictures, housing code order, and inspection report prepared along with Town Counsel. June 30, 2023, Town Counsel e-filed a report to the court along with labeled pictures and housing code order.

ANY OTHER MATTERS TO COME BEFORE THE BOARD

No new matters

ADJOURNMENT

Sarah made a motion to close the meeting. Glenn seconded the motion. All in favor. Meeting adjourned at 5:00 p.m.

DATE: _____

9/6/2023

Chairperson

