

MINUTES
BOARD OF HEALTH MEETING
October 7, 2013 6pm

Members present: Linda Cocalis, and Richard Volpe; Dan Chaput absent. Health Agent Alyssa Rusiecki.

The meeting is called to order at 6:00 pm.

Agent's Report:

Part-time Health Inspector: The Agent states that everything is in place for the two-day a week inspector. There was an advertisement for a backfill position for the after-hours and weekend temporary event/emergency inspector. Mr. Woolhouse has submitted a letter of interest. Since Mr. Woolhouse is only available seasonally, at least one more candidate should be chosen. The Agent states that re-advertising may be necessary. Ms. Cocalis makes a motion to accept Mr. Woolhouse's application; Mr. Volpe seconds. APPROVED (2- 0).

Walmart emergency food inspection: On a related item, an emergency weekend call was made to the Board of Health Agent regarding a fire in a refrigerated food unit. The Agent states that she instructed the manager to isolate the damaged unit, dispose of the affected food and made arrangements to inspect Monday morning.

Campaigning at Recycling Center: A citizen request came in to utilize the Recycling Center for campaigning and signatures. The Board members agreed that the activity is allowed as long as it is determined by John Booth, Recycling Center operator, that safety standards are followed.

Hylands Orchards update: The Agent met representatives of DEP CERO, and the owner, Eugene Damon, at the site, 195 – 199 Arnold Rd. on October 4th, 2013. A new business, RapsCALLION, seems to be working in conjunction with Pioneer Brewing. They do not have a food establishment permit from the Board of Health either.

181 Shepard Rd. update: The judge will allow a new Title 5 Inspection report, the Agent reminded the Town Counsel that it is the Board of Health that either approves or disapproves of a secondary Title 5 dissenting report.

Communicable Disease billing from Harrington Preventive Disease division; the month of August bill was \$1,039.75 and the month of September was \$340 for one TB case follow-up. "B" visits had always been paid by the State and we should investigate that option for this bill. Mr. Volpe made a motion to hold the bills in abeyance until the Agent receives information from the State TB program. Ms. Cocalis seconds, APPROVED (2 – 0).

Town Clerk computerized burial certificate program, (VIP): Ms. Cocalis makes a motion to continue to have the Town Clerk be the burial Agent, but with the Board of Health reserving the right to be a registered user, Mr. Volpe seconds, Approved (2 – 0).

Concerns of the Board

31 – 35 South Shore Rd. A memo was received from the Conservation Commission to the Board of Health indicating that the water was rising towards the Seguin's property (35 South Shore Rd) again,

(dated October 7th, 2013). Ms. Cocalis states that she received an email from the ConCom Agent and she went on a site visit with the Conservation Commission Agent on October 3rd, 2013. The key is to keep the stream free flowing as indicated in the original Board of Health order letter dated March 21, 2012. It was reported that the Conservation Commission heard this as an emergency item on their October 3rd, 2013 meeting (which was after the Board of Health set their agenda for tonight's meeting). The Agent for the Board of Health is in receipt of an email from James DeCoulos, engineer for the Seguin's (35 South Shore Rd) dated October 7, 2013. Ms. Cocalis makes a motion to re-state the Board of Health's original Order, to Gary and Margaret Allard, (31 South Shore Rd.) from March 21, 2012 and to re-notify him of the intent of the original Order and see attached Order Letter for motion (dated October 10, 2013) and to comply with any and all Conservation Orders, and that lack of compliance may result in any and all legal remedies available to the Board of Health. Mr. Volpe seconds, APPROVED (2 -0).

Mr. Volpe makes a motion to adjourn. Ms. Cocalis seconds, APPROVED (2 – 0) to adjourn.
Adjourned 7:15pm

Respectfully submitted,
Alyssa Rusiecki, Health Agent

Gary and Margaret Allard
31 South Shore Dr.
Sturbridge, MA 1566
October 10, 2013

US Mail and Certified Mail 7010 0290 0001 5773 9102 and by Constable service

Dear Mr. and Mrs. Allard,

At its regular meeting on October 7th, 2013 the Board of Health determined that the intent of their previous Order has been violated and that a continuing threat to public health and safety exists as a result of beaver damming on the property owned by Margaret and Gary Allard, identified by the Sturbridge Assessors as on Map 6, Parcel 31. The threats include increased flooding and elevated groundwater levels on surrounding properties which *inter alia* endanger the proper functioning of surrounding septic systems; threaten the quality of potable groundwater at surrounding private drinking wells; threaten the environmental health and public use of Quacumquasit Pond (aka South Pond); threaten the safety of travel along South Shore Drive by increasing the risk of the road washing out from a sudden release of dammed water; and, increase the risk of mosquito borne illnesses as a result of impounded stagnant waters.

Therefore, the Board of Health has renewed its Order to you dated March 21st, 2012 (per Board of Health vote of March 19th, 2012 and attached) and determined, in accordance with MGL c. 111, §122, that a public health nuisance is occurring on your property due to lack of routine maintenance on the inlet to the culvert that runs beneath South Shore Drive resulting in flooding and a threat to the interests of public and environmental health and safety; specifically the private well and the septic system that is located at 35 South Shore Drive as well as all other adjacent

properties, travelled ways, and resource areas. Therefore, by vote of the Board of Health (2- 0), the Board of Health hereby:

Orders you to **Correct** the condition, by removing and clearing the debris on your property at the inlet pipe to the culvert that runs beneath South Shore Drive, to the elevation existing at that inlet pipe, and to maintain it in a manner so that it shall remain clear of debris that may impede flowage. The Board of Health further Orders you to remove and clear all debris along the full length of the perennial river on their property that will allow for the free and unobstructed flow of the perennial river, and that they shall continue to maintain that unencumbered flow.

Additionally, the Board of Health **Orders** you to comply with any and all Conservation Commission Emergency Certifications, including but not limited to “Instructions and Special Conditions Issued by the Sturbridge Conservation Commission” dated October 8, 2013 (attached) relative to this matter. The deadline for work commencing shall be within ten business days of receipt of these Orders, but no later than October 30th, 2013.

The Board of Health shall seek all legal remedies in the appropriate jurisdiction. Lack of compliance on your part may result in fines or legal action.

Sincerely,

Linda Cocalis, Chairman
Sturbridge Board of Health

Cc: Town of Administrator Shaun Suhoski
Town Counsel John J. Goldrosen
Sturbridge Conservation Commission
Sturbridge DPW
Mr. and Mrs. Seguin 35 South Shore Drive

