

BOARD OF HEALTH  
140 WORCESTER ST  
WEST BOYLSTON, MASSACHUSETTS 01583

**August 13, 2014**  
**Meeting Minutes**

Members present: Robert Barrell, Alan Harris, Celia Hartigan and Lisa Henderson

Also present: James Swalec, Lynne Swalec, Thomas Swalec, John Swalec, Anne Marie Shea, Caroline Fritz, Stephen Sears, Scott M. Kelley, Amanda Bibeau, Julie VanArsdalen and Derek Brindisi.

Chairman Barrell convened the meeting at 7:00 p.m.

**89 Newton Street Nuisance Re: Odor from Pigs and Roosters Crowing Constantly** Mr. and Mrs. Raymond Fritz were served with an Order to Abate Nuisance on July 23, 2014. The violation description is constant crowing of roosters continuing throughout the day and odor from pigs. Mr. and Mrs. Fritz requested the opportunity to be heard at tonight's meeting. Mrs. Fritz is in attendance and stated that Mr. Fritz is away on business and she is trying to deal with the animals by herself. She informed the Board arrangements have been made for an electric fence to be installed at her property. The pigs will be gone by August 31, 2014.

James Swalec introduced himself and his siblings. He said their mother is 85 years of age and has lived at 95 Newton Street for 55 years. He and all the siblings are caregivers to their mother and he is her attorney.

John Swalec explained their mother's health issues. He commented "the yard smells, pig smell is wretched". They have lost use of the back yard. His daughter was living there and left the property to stay at school because the smell is too much. He spoke to the Fritzes' son about the pig odor and the son told him "to go back to Maine where he comes from". He said that the yard "stinks like a cesspool" and the stench and odors are triggers to their mother's illnesses. He further commented the slope area where the pen is located is full of fecal material and must be cleaned. This issue has been constant since June.

Mrs. Fritz said John Swalec approaches every person he sees at her property. August 31, 2014 is the date the pigs will be gone. Susan Meola of Meola Realty and many police officers have been to the property and none of them smelled anything. Mrs. Fritz said "pigs do not crap where they eat or sleep". Pigs were put in that particular location in our yard because of the shade and there is no ill will toward Mrs. Swalec.

Chairman Barrell or a Board representative will go to the property on August 31, 2014 to ensure compliance with the Order to Abate Nuisance. The Board feels this date will give the Fritz's the

opportunity to take care of the situation. Jim Swalec said he wanted a hard date for remediation and does not want pigs brought back to the property in the spring.

Mrs. Henderson commented she has done some research about the Right to Farm and will have a discussion with the Board later in the meeting. John Swalec feels pigs will be a problem no matter where they are located on the property. Jim Swalec had two aerial photographs of the area where the both properties are located and noted on the photo where the pig pen is located.

Thomas Swalec who lives at 104 Goodale Street commented he can smell the pigs from his house which is across the street from his mother's house.

Mrs. Fritz asked John Swalec why he is so combative. Chairman Barrell stopped the discussion and said the pigs will be gone at the end of the month. He will go there to make sure the issue is handled. John asked for a copy of the order and wanted to know if this order addresses current issues or future issues as well.

**411 Lancaster Street Septic System Discussion** Resident Scott Kelley has requested the Board's assistance in having the installer, Michael Moreshead return to complete the job he started in January 2014. The Certificate of Compliance was signed prior to the final grading and seeding to facilitate the closing on the property. The Certificate clearly states final grading is very rough due to winter conditions. Installer required to regrade, loam and seed in the spring of 2014 to comply with design plan by David E. Ross Associates, Inc. dated November 2013 number 29162. Steve Sears of Ross Associates is at the meeting and is asking the Board to write an order letter to Mr. Moreshead because the project is not finished. The new septic system replaces a tight tank. Loam and seeding are not done. There is water damage because of erosion problems. There are also logs, stumps and brush that are a problem. Mr. Sears has called Mr. Moreshead to complete the job. He also spoke with Kevin Barnes, the then owner of the property, who did not know the work has not been completed. Mr. Sears would like an enforcement letter written to Mr. Moreshead to get the work done now. Mr. Kelley has called Mr. Moreshead who came occasionally to work on the property but it still is not completed. Chairman Barrell asked if the Board affect Mr. Moreshead's business by asking him to drop what he is doing and finish 411 Lancaster St. Mr. Moreshead told Mrs. Mard during a phone conversation a wall is required to properly grade or the loam will just continue to erode. Mr. Sears said a wall is not required. Mrs. VanArsdalen asked Mr. Sears to re-shoot the final grade to which Mr. Sears agreed. Chairman Barrell instructed Mrs. Mard to prepare a Title 5 Enforcement Order. Mr. Sears will stake the property next week. The Order will be for 7 day compliance from receipt of the order.

**Regional Update** Director of Public Health Derek Brindisi of CMRPHA is in attendance to give the Board a Regional update. A letter from District Attorney Joseph E. Early, Jr.'s office dated August 6, 2014, inviting Police Departments to attend Narcan training on August 19, 2014 at the Holden Police Department was given to the Board. Narcan has been shown to significantly reduce fatalities in the fight against Opioid overdoses and deaths.

Andrea Crete has taken a new job with the Town of Hudson Board of Health under the direction of Sam Wong. We thank her for her time she has worked for the Region and wish her well in the future.

**Meeting Minutes** After review and upon motion of Mrs. Hartigan and second of Mrs. Henderson It was voted all in favor to approve the minutes of the June 25, and July 9, 2014 Board of Health meetings.

**Bills were paid**

**8 Winthrop Street** Mrs. Julie VanArsdalen, Public Health Specialist with CMRPHA commented that she inspected the perimeter drain installed by Andrew Curtis at 8 Winthrop Street. Mrs. VanArsdalen feels the project is complete. Mrs. Mard was asked to contact the LeDoux family.

**As-Built Septic Drawings for 214 Prescott Street** The Board reviewed the As-built septic design drawings for 214 Prescott Street. After review and upon motion of Dr. Harris and second of Mrs. Henderson it was voted all in favor to approve the As-built septic design drawing for 214 Prescott Street prepared by Bertin Engineering on August 7, 2014.

**Authorized Signatures of Fiscal Year 2015** Motion of Dr. Harris and second of Mrs. Hartigan voted all in favor to approve Town Administrator Gaumond and Treasurer Tax Collector Yasick as authorized signatures for all financial documents for the Board of Health when the members are not available or to meet a deadline.

**Water Service Termination Notice** The Board acknowledged a 15 day Termination Notice from the Water District for 528 Prospect Street. The reason for the notice is failure to make requested repairs/replace the water service line on the property due to an ongoing leak for over a year. This type of leak increases the District's unaccounted for water and decreases much needed revenues.

**Water District Flash Flooding at 104 West Boylston St. and 183 Worcester Street Correspondence** The Board acknowledged a letter from the Water District to the Conservation Commission dated August 1, 2014, requesting guidance from the Commission regarding two flash flooding issues. The District is requesting assistance to help evaluate drainage issues and provide some options for remedial measures.

**Right to Farm Community** Mrs. Henderson has done some research on the Right to Farm Rules and Regulations. She would like to address this further with the Board at a future meeting.

With no further business to come before the Board and upon motion of Dr. Harris and second of Mrs. Hartigan it was voted all in favor to adjourn at 8:45 p.m.

Barbara A. Mard, Public Health Specialist

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Robert J. Barrell, MPA, Chairman

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N. Alan Harris, MD, MPH, Vice Chairman

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Celia F. Hartigan, RN, MPH

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Lisa M. Henderson, RN, LSW