



Billerica Board of Health

Town Hall
65 Boston Road
Billerica, MA 01821
Phone: 978-671-0931
Fax 978-671-1342

Web Site www.town.billerica.ma.us

Robert Reader, Chairman
Sandra Giroux, Vice Chair
Amit Gandhi, Ph.D., Secretary
Marie O'Rourke
Chris Ravin

Kristel Bennett, Director

BOARD OF HEALTH MINUTES June 5, 2023

RECEIVED
2023 JUL 11 A 10:00
TOWN CLERK
BILLERICA

Robert Reader, Chairman called the meeting to order at 7:00 p.m. Also in attendance were Sandra Giroux, Vice Chair, Amit Gandhi, Ph.D., Secretary, Marie O'Rourke, Chris Ravin, Kristel Bennett, Director and Joanne White, Recording Clerk.

OPEN MICROPHONE

Mr. Reader asked if anyone would like to comment on Open Microphone.

No one was present to speak on Open Microphone.

ACCEPTANCE OF MINUTES

Mrs. Giroux made a motion to accept the Meeting Minutes of April 10, 2023.

Mrs. O'Rourke seconded. So voted unanimously.

BOARD OF HEALTH BUSINESS

Next Meeting – July 10, 2023

Mr. Reader stated the next Board of Health Meeting is scheduled for July 10, 2023.

Appointment of Animal Inspectors

Mr. Reader stated the next item under Board of Health Business is the Appointment of Animal Inspectors.

Mrs. Bennett explained that the paperwork for the Nomination of Inspector of Animals for fiscal year 2024 has been completed and submitted to the Department of Agriculture. Mrs. Bennett requested that the Board ratify the nomination of Christine Gualtieri, Ashley Chmiel and Casey Smith as Animal Inspectors. The inspectors also provide the yearly Horse and Barn inspections.

Mrs. Giroux asked has there been anyone else inquiring about this position.

Mrs. Bennett replied there have been no other inquiries for this position.

Mrs. O'Rourke asked has there been any complaints regarding the inspections that the Animal Control Officers provide.

Mrs. Bennett replied the Health Department has not received any complaints.

Mrs. O'Rourke made a motion to nominate the appointment of Christine Gualtieri, Ashley Chmiel and Casey Smith as full time Inspectors of Animals in the Town of Billerica for fiscal year 2024.

Mrs. Giroux seconded. So voted unanimously.

Billerica Substance Awareness Prevention (BSAP) Committee Member Letter

Mr. Reader stated the next item under Board of Health Business is the Billerica Substance Awareness Prevention Committee Member Letter.

Mrs. Bennett explained that the Board of Health received a letter from Michael De Lucia stating that he would not be seeking reelection as the Board of Health representative on the Billerica Substance Awareness Prevention Committee.

Mrs. O'Rourke asked if anyone else was interested in filling this position.

Mrs. Bennett replied that she spoke to Mike Higgins and he will get back to her with any interested representatives.

Mr. Ravin asked what the pre-requisite is to be on this Board.

Mrs. Giroux replied that the Board Member has to be interested in substance abuse prevention.

Mr. Reader recommended that a letter of thanks be sent to Mr. DeLucia for serving as the Board of Health representative for the past six years.

Health Department Activity Reports

Mr. Reader stated the next item under Board of Health Business is the Health Department Activity Reports.

Mr. Reader stated the first activity report is from the Public Health Nurse, Christine West. Mr. Reader asked the Board Members if they had any questions.

Dr. Gandhi stated that since the COVID Bi-valent vaccine has expired, what is the recommendation for residents that want to get the vaccine now?

Mrs. Bennett stated that we have the ability to purchase vaccine but there needs to be an interest in receiving it.

Mrs. Giroux stated that she heard from the Department of Public Health that since the order has expired, people need to talk with their primary care physicians regarding how they can get a shot.

Mrs. Bennett replied we need to explore other ways to get the vaccine if there is enough people interested in getting the shots.

Mr. Reader stated the next activity report is from Health Agent, Phavy Pheng. Mr. Reader asked the Board Members if they had any questions.

Dr. Gandhi stated that the case of the cockroach problem at 20 Kenmar Drive is closed, so are they going to continue with pest control? Also what are the code violations at 9 Kenmar Drive?

Mrs. Bennett replied that she would talk to Phavy regarding the code violations at 9 Kenmar Drive. There is ongoing treatment in all the common areas. The management informed me that they are going to stop all treatments of each unit unless they get a complaint.

Mrs. Giroux asked what is the status of 36 Donald Road.

Mrs. Bennett replied that the owner is selling the house. The potential buyer has submitted to the Board of Health plans to clean up the property.

Mrs. Giroux asked what is the status of 25 Yale Street.

Mrs. Bennett replied that the occupants have submitted a plan to clean up the dwelling.

Mrs. Giroux asked what is the status of the water being pumped directly into the street at 11 Neally Street.

Mrs. Bennett replied that the owner has requested additional time to install a drywell for drainage.

Mrs. Giroux asked what is the status of 292 Salem Road.

Mrs. Bennett replied that she will check into it.

Mrs. Giroux asked is there an update on 113 Boston Road. There have been a lot of complaints posted on Social Media.

Mrs. Bennett replied that Phavy and Shelagh are investigating that situation.

Mrs. O'Rourke asked who was the order of conditions issued to for the vacant lot at Braemore Road.

Mr. Reader stated there is an owner for the vacant lot.

Mr. Reader stated the next activity report is from Health Agent, Shelagh Collins. Mr. Reader asked the Board Members if they had any questions.

Dr. Gandhi asked is there anything the employees can do to be more aware of the moldy bread situation.

Mrs. Bennett replied that type of bread molds quicker. All they can do is check the bread more often.

Mr. Reader stated the next activity report is from Bethany Slack, Community Services Coordinator. Mr. Reader asked the Board Members if they had any questions.

Dr. Gandhi asked what is the newly developed script that Bethany is referring to?

Mrs. Bennett replied that the Board of Health has funding available to help individuals that need to declutter. Bethany is assisting a family with the disposal of unwanted items and connecting them with other services.

Dr. Gandhi asked is that information available to all the residents in Billerica?

Mrs. Bennett replied yes.

Mrs. Giroux asked what is the hierarchy of people involved for this situation? Where does Bethany stand?

Mrs. Bennett replied some people call Bethany and some people are referred to Bethany by the Council On Aging.

Mr. Reader stated the last activity report is from Kristel Bennett, Director of Public Health. Mr. Reader asked the Board Members if they had any questions.

Mr. Reader asked what is the situation with the Bee Farm at 96 Dudley Road?

Mrs. Bennett explained that at the time of her visit to the Bee Farm she did not observe any violations. The owner is using Best Practices. The owner of the Bee Farm has moved some of the hives off the site. The site where the beehives are located is huge. The complaints are coming from one neighbor.

Discussion of Billerica Community Resources Guide

Mr. Reader stated the next item under Board of Health Business is the Discussion of Billerica Community Resources Guide.

Mrs. Bennett stated that the resources guide was provided in the Board's packet last month. The Board Members were going to review the guide and comment at this meeting.

Mr. Ravin asked are there any organizations that will accept donations.

Dr. Gandhi stated that there are some minor changes on page 15. The Community Teamwork telephone number is missing and BATV should be added.

Mrs. Bennett explained that she had a discussion with Bethany and the resource guide will be posted on the website.

Mrs. Giroux stated that she is glad that it will be available electronically so that she can help people.

Mr. Reader complimented Bethany on a nice job putting together all the information regarding Community Services in and around Billerica.

BioBot Reports

Mr. Reader stated the next item under Board of Health Business is the Biobot Report.

Mrs. Bennett explained that the case load in wastewater has gone down and is continuing to trend downward.

Discussion of Draft Clothing Donation Bin Regulation

Mr. Reader stated the last item under Board of Health Business is the Discussion of Draft Clothing Donation Bin Regulation.

Mrs. Bennett explained that in the Board's packet are 3 communities and how they handle donation bins and regulations. We can permit them and hold both the organization and the property owner responsible for maintaining the donation bins. We can also require that contact information be made available to the Board of Health office. I can work on documenting the information for Billerica.

Mrs. Giroux explained that there is a Pink Bag Program that maybe we can promote. Billerica has recycled more than 2 tons of textiles that equals \$75.00. It is little to no work for the town, but people put bags out and make a call to have them picked up.

Mr. Reader stated it is not just clothing that they put in the bins, they put chairs, furniture, kids toys etc. around the bins.

Mrs. Bennett explained that she found this information on the mass.gov website. The last page includes links to some regulations.

7:15 p.m. Robert Hughes- 232 Pond Street – Administrative Hearing for Violations relative to Massachusetts General Law Chapter III, Section 122, the Massachusetts State Environmental Code 310 CMR 15.000, and the Massachusetts State Sanitary Code 105 CMR 410.000

Mr. Reader stated the first hearing is Robert Hughes, 232 Pond Street, Administrative Hearing for Violations relative to Massachusetts General Law Chapter III, Section 122, the Massachusetts State Environmental Code 310 CMR15.000 and the Massachusetts State Sanitary Code 105 CMR 410.000.

Peter Hughes, 232 Pond Street, Billerica, identified himself and stated that he would be speaking on behalf of his parents. Mr. Peter Hughes explained that we are trying to take care of the failing septic system. The leaching field has failed. My parents are elderly and live on a fixed income. They cannot afford to pay for a new septic system. The town installed sewer across the street however it did not come down the street far enough for us. Both of my parents are on Social Security and we cannot help them. We are looking for grants or any kind of help to pay for this system.

Mrs. Bennett explained that in December of 2022, the Board of Health received a complaint regarding a sewage odor and Phavy investigated the complaint. We found that the septic system is failing. A letter was sent to the owners informing them of our findings and corrective measures that need to be taken. We advised Mr. and Mrs. Hughes to increase pumping the septic system, contact a Design Engineer to develop a plan for an upgrade of the system to be brought into compliance and contact a licensed installer to obtain a permit for the upgrade. In the letter it stated that the system needs to be completed by May 2023. The problem still exists. It is now June, and nothing has been done. The case was filed in court for non-compliance and then we decided to have Mr. and Mrs. Hughes come before the Board for a hearing and the Board could make a decision. I have spoken with the Town Manager, John Curran and explained the situation. I asked Mr. Curran if the Town could pay for an upgrade of the septic system on this property? Mr. Curran stated yes, because it is an emergency, however a lien would be placed on the property. When the property is sold the money would be paid back to the Town.

Mr. Reader asked Mr. and Mrs. Hughes if they were okay with a lien being placed on their property?

Jeanette Blouin, 232 Pond Street, identified herself. Ms. Blouin stated when the town brought sewer down to the bridge on Pond Street. They never finished the last six (6) houses on the street. It does not make sense to invest \$30,000 for a new septic system and then must connect to town sewer in 10 to 13 years.

Mr. Reader stated that it doesn't make sense for the neighbors to have to put up with the odor.

Mrs. Bennett replied that is a question for engineering. The Board of Health is responsible for on-site septic systems. I will have a discussion with the Engineering Department and the Town Manager to determine what is the best way to handle this situation.

Ms. Blouin stated that we have been having it pumped every six (6) months.

Mr. Reader asked is there sewer on Oak Street.

Mr. Hughes replied yes, Oak Street is right across the street from us.

Ellen Hughes, 232 Pond Street, identified herself. Mrs. Hughes stated that our neighbors four houses down tied into sewer through Tewksbury.

Dr. Gandhi asked Mrs. Bennett what do you think is the best way to move forward with this situation.

Mrs. Bennett stated that she would meet with the Town Manager and the Town Engineer. However, I feel that the Board should vote and make a decision regarding an enforceable schedule. The enforceable schedule will allow the system to be fixed within two (2) years. Similar to an enforceable agreement. I think the Board of Health should be able to enter the property to do a deep hole test to assess where the septic system should be located.

Mr. Reader asked is there any chance of fixing what is there?

Mrs. Bennett replied that we do not have enough information. A Title 5 would need to be done. From what I understand there is a double septic tank and one of them failed.

Mr. Peter Hughes explained that there is two tanks, one tank failed and the other one is overflowing.

Mrs. Giroux asked when was the last time the system was pumped prior to December 2022?

Mr. Peter Hughes replied April 2022.

Mr. Peter Hughes stated it is not the waste part of the septic system it is the water. Mr. Peter Hughes stated we do not have a high-water table.

Mrs. Giroux stated we do not have a record of pumping prior to December 2022. Who has been pumping the system for the last 5-10 years?

Ms. Blouin replied Wayne's Drains.

Mrs. Giroux stated we do not have records of your system ever being pumped. It appears to us that you have never had the system pumped. Mrs. Giroux asked do you own the house.

Mr. Peter Hughes replied the house is in a reverse mortgage.

Mrs. Giroux stated a home equity loan is not possible.

Mr. Reader asked Mr. Peter Hughes if he lives there.

Mrs. Giroux stated that you may have to pump the system more often,

Mr. Peter Hughes replied my wife and I live there to help my parents.

Mr. Reader asked when it is pumped does that eliminate the problem.

Mr. Peter Hughes replied only for a while and then the water table rises. So we take less showers, do less laundry and we only flush the toilets when necessary.

Mrs. Bennett replied that she recommends an enforceable schedule and explore upgrading the entire system. If the town cannot connect them to sewer then they must upgrade the entire system and pump the system until the system is upgraded.

Mrs. Giroux stated that we cannot create an enforceable schedule until we know which option we are taking. We need to have that conversation and have them come back next month. Can you meet with the Town Manager and the Town Engineer and come up with an option. Can we continue this to the next meeting?

Mrs. O'Rourke made a motion to continue the hearing to July 10, 2023 Board of Health Meeting.

Dr. Gandhi seconded. So voted unanimously.

Mrs. O'Rourke made a motion to adjourn.

Mrs. Giroux seconded.

The Board adjourned at 8:00 p.m.

Respectfully submitted,

Amit Gandhi, Ph.D.
Secretary

Joanne M. White
Recording Clerk