

The Regular Meeting of the Board of Health convened at 4:00 pm. by remote participation with the Chair announcing that the meeting was being recorded.

PRESENT: Tanja Ryden, Chair
Philip M. Weinberg, Vice-Chair
Donna M. Amaral, Secretary
Matthew J. Armendo, Director
Linda Pierce, Public Health Nurse

ANNOUNCEMENTS

1. Under M.G.L., Chapter 30A, § 20(f): Meeting Being Recorded. The Chair noted that due to the recent surge in Coronavirus cases, this meeting was being held remotely under Governor's Baker's order allowing the temporary suspension of provisions of the Open Meeting Law by public bodies during the pandemic.
2. Pledge of Allegiance

PUBLIC HEALTH NURSE PRESENTATION – Linda Pierce, RN

Glaucoma - Symptoms & Treatment:

The Public Health Nurse indicated the January health topic was Glaucoma, the leading cause of irreversible blindness among adults.

The most susceptible portion of the population are African Americans, people over 60, near-sighted individuals and those with a family history of the disease. Ms. Pierce described the symptoms of both types of Glaucoma, both of which cause damage to the optic nerve resulting in vision loss. She cited the importance of regular eye exams by an ophthalmologist for those over 60; early detection can lead to medication or other treatment options to slow the disease.

Ms. Pierce also urged residents watching at home to take all reasonable precautions to prevent infection with the COVID virus; reported test sites in Fall River and New Bedford offer testing by appointment; and noted the upcoming Red Cross blood drive planned at the Town Hall Annex.

DIRECTOR OF PUBLIC HEALTH

1. Written Report: No questions.
2. Update
 - Board of Health:
 - Covid Update – Mr. Armendo reported the continuing trend of increasing numbers of COVID cases among residents with today's report at 36 cases, which brings the monthly total for January to 325 cases. No additional COVID-related deaths have been reported this month.
 - He noted the BOH will conduct a public vaccination clinic from 4 to 7 p.m. on Jan. 12 at the old high school gymnasium with all vaccines and booster shots available. He indicated booster shot eligibility has just been expanded and a Pfizer vaccine has been approved for 12 to 15 year-olds.

The Director noted that Westport Apothecary will offer drive-through COVID testing services starting Jan. 18 and he provided detail on the blood drive events planned at the Annex gym from 10 a.m. to 2:30 p.m. on Jan. 20, Feb. 17, March 24 and April 21. Blood is much needed and appointments can be made by calling 1-800-RedCross.

Mr. Armendo recommended that the Board consider adopting a town-wide mask mandate for all indoor spaces and asking the Select Board to require all public meetings to be held remotely due to pandemic surge conditions. There was general support for both recommendations expressed by members.

MOTION by Ms. Amaral to recommend that the Select Board vote that all town boards and committees be required to meet virtually due to the COVID surge. Seconded by Mr. Weinberg. The motion passed on a 3-0 roll call vote: Amaral, aye; Weinberg, aye; Ryden, aye.

MOTION by Ms. Ryden to recommend that the Select Board order a local mask mandate for all public spaces as of Jan. 22, 2022 to be in effect until the current COVID surge ends. The usual exemptions for certain medical conditions and for young children are recommended. Seconded by Ms. Amaral. The motion passed on a 3-0 roll call vote: Amaral, aye; Weinberg, aye; Ryden, aye.

The Director provided members with a memo recommending additional funding requests for the ARPA relief fund, including overtime funds and travel expenses for staff COVID-related activities, and for the purchase of additional personal protective equipment and supplies. He noted much of the initial allocation of \$105,000 in ARPA funds to the BOH was used to purchase 1,000 home test kits, PPE and supplies.

- Pump Reports: No issues noted.
- Barn Book Update: The Director reported all inspections have been completed.
- Director Approved Plan(s):
 - 1.) 52-B Spinnaker Way (22/20 19Ac) 4B NC
 - 2.) 676 Sodom Road (67/2A 30,000 s.f.) 3B Repair
 - 3.) 877 Horseneck Road (74/30 s.f. 75,000) 3B Repair
- Animal Control: The Director reported the department is still short-handed, with the Assistant handling calls to the best of his ability.
- Transfer Station: As the Transfer Station still has only one CDL-B driver, an outside contractor is currently transporting full dumpsters on Mondays and Friday. The Director is planning another meeting with the contractor to negotiate additional hauling days. He reported that the Highway Department staff has been providing considerable help at the Station when their work schedule permits.

MINUTES

1. November 22, 2021 Spcl. Mr. Weinberg indicated he would be drafting suggested revisions to these minutes at a future meeting.
2. December 13, 2021 Reg. **MOTION** by Ms. Amaral to approve the minutes of the Dec. 13, 2021 meeting as presented. Seconded by Mr. Weinberg. The motion passed on a 3-0 roll call vote: Amaral, aye; Weinberg, aye; Ryden, aye.

OTHER BUSINESS

1. 2023 Budget Revisions: Mr. Armendo reported on budget cuts recommended by the Town Administrator in areas including staff overtime, general expenses, postage, printing and training; vehicle repair account; Animal Control overtime; professional services; recycling; and landfill maintenance and monitoring. He suggested the recommended cuts would significantly impact operations if approved.
2. Article Deadline 1/26/22 – Dumpster Article: The Director indicated he would file an article seeking to use Transfer Station retained earnings to purchase two new roll-off containers, estimated at \$18,000.

MOTION by Ms. Amaral to endorse the filing of the Town Meeting article seeking authorization to purchase the two containers. Seconded by Ms. Ryden. The motion passed on a 3-0 roll call vote: Amaral, aye; Weinberg, aye; Ryden, aye.

3. Meetings - Virtual vs. In Person: Covered during COVID update earlier in meeting.
4. Appoint Megan DaCosta as Special Agent for Tobacco Control.

MOTION by Ms. Amaral to appoint Megan DaCosta as a Special Agent for Tobacco Control. Seconded by Mr. Weinberg. The motion passed on a 3-0 roll call vote: Amaral, aye; Weinberg, aye; Ryden, aye.

5. Color Printer/Fax: Mr. Armendo reported that maintenance issues continue with the color printer and fax machine used by the BOH. There has been no response to the staff/board request to the Town Administrator for a replacement. He asked that he be authorized to buy a machine that will meet department needs with available funds, estimating the cost at under \$1,000. Board members supported the request.
6. COVID Test Kits: Mr. Armendo reported that the BOH has purchased 1,000 COVID home test kits with ARPA funding already approved. Delivery is expected within two weeks.
7. Board Member Updates: Mr. Weinberg indicated he and the Director had met with the Town Administrator and Town Treasurer for further discussions of the interest rate to be used for the Community Septic Loan Program. Further investigation of income limit requirements remain to be resolved.

Ms. Amaral reported the start of planning activities for Mental Health Awareness Month in May.

Ms. Ryden noted the fee waiver funding for total nitrogen testing is expiring and alternate grant funding is being sought. The engineer training session planned is being put on hold due to other demands on staff; an I/A system information package will be produced and sent to area engineering firms.

SEPTIC PLAN REVIEWS

1. 63 Cahoon's Lane (M-2/L-32-33; s.f. 1,532,440) Lucilia & Jose Correia, 3B New Construction with Infiltrator Quick 4 & Singulair, Engineer George Ayoub.

Mr. Ayoub participated via video link to detail plans for new construction using a three-bedroom system; an existing building will be demolished and replaced and a new well is planned. No variances are being sought and Mr. Armendo reported no issues with the system plans, but indicated

there was no stormwater control measures provided for expedited review. Mr. Weinberg noted the considerable increase in disturbed or impervious land area should trigger a stormwater control plan.

MOTION by Mr. Weinberg to approve the 3-Bedroom plans for new construction at 63 Cahoon's Lane with conditions including two years of total nitrogen testing with results reported to the Barnstable County Health Dept. and compliance with all I/A system requirements. Seconded by Ms. Ryden. The motion passed on a 3-0 roll call vote: Amaral, aye; Weinberg, aye; Ryden, aye.

2. Cornell Road (M-82/L-1; s.f. 87,120) Kevin Santos, 3-Bedroom New Construction with Infiltrator Quick 4 & AdvanTex-AX20. Engineer-Jeremy Rosa of NorthEast Eng.

Mr. Rosa was not available for conference. The Director indicated details of stormwater controls for an expedited review have been provided, but a revision of plans marking the proposed reserve area have been requested.

MOTION by Ms. Amaral to approve the 3-Bedroom new construction plans for Lot L-1 Cornell Road dated 12/20/21 upon receipt of revised plans showing the reserve area. Conditions include compliance with all I/A system requirements, owner's operating and maintenance agreements and two years of total nitrogen testing with results reported to the Barnstable County Health Dept. Seconded by Mr. Weinberg. The motion passed on a 3-0 roll call vote: Amaral, aye; Weinberg, aye; Ryden, aye.

3. 86 Watuppa Road (M-19/20G; s.f. 48,057) Jose Pacheco, 3-Bedroom New Construction with Stone Bed and Singulair TNT 600, Engineer Alex Gorodetsky

Mr. Gorodetsky detailed the 3-Bedroom new construction plans with stormwater control measures noted. Mr. Armendo indicated no issues.

MOTION by Mr. Weinberg to approve the 3-Bedroom new construction plan dated 12/6/21 for 86 Watuppa Road with conditions to include compliance with all I/A system requirements, owner's operating and maintenance agreement and two years of total nitrogen testing with results reported to the Barnstable County Health Dept. Seconded by Ms. Amaral. The motion passed on a 3-0 roll call vote: Amaral, aye; Weinberg, aye; Ryden, aye.

4. Gifford Road (M-31/L-5A; s.f. 87,770) Joaquin Carvalho, 3-Bedroom New Construction with Stone Bed & Singulair, Engineer Alex Gorodetsky.

Mr. Gorodetsky provided details on the 3-Bedroom new construction plans with expedited stormwater control plans included. Mr. Armendo indicated no issues.

MOTION by Ms. Amaral to approve the 3-Bedroom new construction plans dated 12/24/21 for Lot 31 L-5A Gifford Road with conditions including compliance with all I/A system requirements, owner's operating and maintenance agreement and two years of total nitrogen testing with results reported to the Barnstable County Health Dept. Seconded by Mr. Weinberg. The motion passed on a 3-0 roll call vote: Amaral, aye; Weinberg, aye; Ryden, aye.

5. Meader Lane (M-87/L-87D; s.f. 60,594) David & Giovanna Clott, 4-Bedroom New Construction with Infiltrator Quick 4 and Singulair, Engineer Carl Bevilacqua

Mr. Bevilaqua was not present. The Director indicated he had requested a revised plan showing the stormwater control measures to be undertaken.

MOTION by Mr. Weinberg to approve the 4-Bedroom new construction plans date 12/1/21 upon receipt of the revised plan showing stormwater control measures proposed. Conditions including compliance with all I/A system requirements, owner's operating and maintenance agreement and two years of total nitrogen testing with results reported to the Barnstable County Health Dept. Seconded by Ms. Amaral. The motion passed on a 3-0 roll call vote: Amaral, aye; Weinberg, aye; Ryden, aye.

6. 1635 Drift Road (M-57/L31A; s.f. 40,436) Arlene Cloutier, 3 to 4-Bedroom Upgrade with the Existing infiltrator and adding Singulair, RS Wendy Henderson.

Ms. Henderson provided details of the plans for the upgrade of the system for an accessory apartment with the addition of a denitrification unit.

MOTION by Mr. Weinberg to approve the upgrade plans for 1635 Drift Road dated 11/4/21 with conditions to include compliance with all I/A system requirements and two years of total nitrogen testing with results reported to the Barnstable County Health Dept. Seconded by Ms. Amaral. The motion passed on a 3-0 roll call vote: Amaral, aye; Weinberg, aye; Ryden, aye.

APPOINTMENTS

4:30pm – Waiver Hearing: Len Potter for 74 B Drive, Bertrand Hamel (sieve Analysis in Lieu of a Perc), 4-Bedroom Repair with Infiltrator Quick 4.

Mr. Potter called in to the meeting and detailed the repair plans for the failed system for the duplex structure. The only waiver sought was to allow a sieve analysis to be used in lieu of a perc test. Mr. Armendo reported no issues with the plans as submitted.

MOTION by Mr. Weinberg to approve the 4-Bedroom repair plans dated 12/4/21 for 74 B Drive and approve the waiver for the use of the sieve analysis. Second by Ms. Amaral. The motion passed on a 3-0 roll call vote: Amaral, aye; Weinberg, aye; Ryden, aye.

4:40pm – Waiver Hearing: Mark Rodrigues for 8 Bob Street, Paul Pinet 3-Bedroom Repair (11,000 s.f.) with Bottomless Sand Filter and AdvanTex.

Mr. Rodrigues used an Internet link to detail the 3-Bedroom repair plan for the denitrification system proposed for the site. The owner is seeking waivers for:

- distance to his own well (71 feet)
- distance from system to cellar wall
- distance between the system and the water table

Mr. Armendo said there were no issues with the plans, but ConCom review is needed.

MOTION by Ms. Amaral to approve the 3-Bedroom repair plan for 8 Bob Street with the three waivers requested in the application for well distance, cellar distance, and separation from ground water. Conditions include ConCom approval, execution of a three-bedroom deed restriction; three

years of well testing by owner; hold harmless agreement; owner's operating and maintenance agreement; all I/A system compliance documentation; two years of total nitrogen testing with results reported to the Barnstable County Health Dept. Seconded by Mr. Weinberg. The motion passed on a 3-0 roll call vote: Amaral, aye; Weinberg, aye; Ryden, aye.

TOPICS FOR THE NEXT REGULAR MEETING

None.

TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING

None.

MOTION by Ms. Amaral to adjourn the meeting at 6:27 p.m. Second by Mr. Weinberg. The motion passed on a 3-0 roll call vote.

Submitted by Robert Barboza, Recording Clerk

The Regular Meeting of the Board of Health convened at 4:05 pm. by remote participation with the Chair announcing that the meeting was being recorded.

Participants: Tanja Ryden, Chair
Philip M. Weinberg, Vice-Chair
Donna M. Amaral, Secretary
Matthew J. Armendo, Director

ANNOUNCEMENTS

1. Under M.G.L., Chapter 30A, § 20(f): Meeting Being Recorded. The Chair noted that due to the recent surge in Coronavirus cases, this meeting was being held remotely under Governor Baker's order allowing the temporary suspension of provisions of the Open Meeting Law by public bodies during the pandemic.
2. Pledge of Allegiance was recited.

DIRECTOR OF PUBLIC HEALTH

1. Written Report: No questions.
 2. Update
 - Board of Health
 - Covid Update-Report: The Director noted that COVID cases continue to rise with 850 confirmed cases, two deaths and several hospitalizations reported so far in January. He stressed that vaccination is the best defense against the virus, urging residents to mask up during this surge and to make every effort to stay safe. The Chair noted that the last report indicated there was a 27.4 percent positivity rate among residents, far above the 5.0 percent threshold for considering the lifting of the mask ban for indoor public spaces. A review of the mask mandate will be considered at the next meeting in two weeks. Mr. Armendo also reported that the delivery of ordered test kits has been delayed until the end of the month. The Director also reported that upcoming Red Cross blood drive events will be held in the old high school gym, not the Annex gym.
 - Pump Reports: No issues reported.
 - Director Approved Plan(s):
 - 1.) 676 Sodom Road, 3B Repair; 30,000sf; Cur-Tech SAS
 - 2.) 15 Holly Trail 4B Repair; 2.8Ac; Connect Apartment to 5B Existing SAS
 - 3.) 273 Brayton Point Rd; 10Ac; Connect Pool House(no bedrooms) to Existing 4B SAS
 - 4.) Rita Lane Ext; 4B New Construction; 178,154sf; Stone Bed; Combined Lots 16&17
 - 5.) 1715 Main Road; 3B Repair; 60,238sf; Stone Bed
- MOTION** by Ms. Amaral to endorse the Director's approval of plans for 676 Sodom Road; 15 Holly Trail; Rita Lane Ext. and 1715 Main Road as submitted; and to endorse approval of plans for 273 Brayton Point Road with the added condition that there will be no occupants residing in the pool house without further Board of Health approval. Seconded by Mr. Weinberg. The motion passed on a 3-0 roll call vote: Amaral, aye; Weinberg, aye; Ryden, aye.

- Animal Control: The Director indicated the department is still short-staffed but making every effort to handle calls from residents in a timely manner. This past week, the Assistant ACO's hours were adjusted to accommodate weekend calls.
- Transfer Station: The Director reported smooth operations with the use of regular contracted runs.

MINUTES

1. Nov. 22, 2021 Spcl. **MOTION** by Ms. Amaral to approve the revised minutes for the 11/22/21 special meeting as submitted. Seconded by Mr. Weinberg. The motion passed on a 3-0 roll call vote.
2. Jan. 10, 2022 Reg. **MOTION** by Ms. Amaral to approve the minutes for the 1/10/221 regular meeting as submitted. Seconded by Mr. Weinberg. The motion passed on a 3-0 roll call vote.

OTHER BUSINESS

1. Board Member Updates: Mr. Weinberg reported on a recent meeting with the Town Treasurer and Town Administrator to discuss interest rates for the Community Septic Loan Program and related administrative expenses and income limits. The Chair suggested that the Board discuss the matter in further detail at the next work session. Ms. Amaral reported an upcoming meeting with high school counselors to discuss plans for student involvement in Mental Health Awareness Month activities.

APPOINTMENTS

4:30 p.m. – Waiver Hearing: Len Potter for 508 Hix Bridge Road, Merva Gray, 3-Bedroom Repair (21,867s.f.), Stone Bed, MFC Waiver and WA Included.

Mr. Potter reviewed his plans for adding a pump chamber and leaching field, seeking a MFC waiver for well separation of 23 feet from the system.

The plan proposes to leave the existing 1,000 gallon holding tank in place and add the new components.

Ms. Ryden indicated the waiver could not be granted if any part of the system was within 50 feet of the well. Mr. Potter suggested the nitrate level (0.16) and lack of coliform or e. coli indicated the well was not impacted by the distance and that setback could be waived.

MOTION by Mr. Weinberg to approve a revised repair plan for 508 Hix Bridge Road relocating the holding tank to 50 feet from the well, which can be approved by the Director. No waivers granted. Conditions include ConCom review and a three-bedroom deed restriction. Seconded by Ms. Amaral. The motion passed on a 3-0 roll call vote.

4:40 p.m. – Tobacco Violation Hearing: Requested by Route 6 Gas Regarding Tobacco Sales Violation on Jan. 10, 2022.

Tobacco Control Agent Diane Heath reported on the recent compliance checks done at 18 Westport establishments, resulting in four violation citations for sales to minors.

Vivian Rizk, representing the owner of Route 6 Gas, noted 25 years in business without enforcement issues and pleaded for leniency regarding the \$1,000 fine. The Chair indicated the Board did not have the authority to reduce the state fine to be paid in 21 days of the violation, but did have the ability to extend the payment time allowed.

MOTION by Mr. Weinberg to extend the payment time allowed to 30 days from the hearing date, or Feb. 23, 2022. Second by Ms. Amaral. The motion passed on a 3-0 roll call vote.

4:50 p.m. – Tobacco Violation Hearing: Requested by Town Head Landing Country Store Regarding Tobacco Sales Violation on Jan. 10, 2022.

The Chair noted receipt of a letter from the owners of the Town Head Landing Country Store, asking leniency for the \$1,000 fine assessed.

MOTION by Ms. Ryden to extend the payment time allowed to 30 days from the hearing date, or Feb. 23, 2022. Second by Ms. Amaral. The motion passed on a 3-0 roll call vote.

TOPICS FOR THE NEXT REGULAR MEETING

None. Plans were noted to discuss the Community Septic Loan Program at the next work session, tentatively scheduled for 1 p.m. on Monday, Jan 31.

TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING

None.

MOTION by Ms. Amaral to adjourn the meeting at 5:21 p.m. Second by Mr. Weinberg. The motion passed on a 3-0 roll call vote.

The Special Meeting of the Board of Health was called to order at 1:00 pm by remote participation with the Chair announcing that the meeting was being recorded.

PARTICIPANTS: Tanja Ryden, Chair
Philip M. Weinberg, Vice-Chair
Donna M. Amaral, Secretary
Matthew J. Armendo, Director

CHAIR'S ANNOUNCEMENT

1. Under M.G.L., Chapter 30A, § 20(f): Meeting Being Recorded

OTHER BUSINESS

1. **Community Septic Loan Program:**

The Chair asked Mr. Weinberg to review the proposed guidelines for a new Community Septic Loan Program, to be funded with \$500,000 in monies borrowed for that purpose. Mr. Weinberg noted that the previous program had funded 18 loans to homeowners averaging just over \$26,000 each. A total of approximately \$474,000 was loaned out; a small amount was used for administrative costs, with about \$25,000 left undisbursed.

He indicated the Town had to implement a Management Plan for the loan program, giving highest priority to loans for properties located in environmentally sensitive areas such as watersheds or wetland buffer zones. Environmental protection was deemed by DEP as the most important factor in ranking applicants for the loans. Consideration of water table levels, small lot sizes and proximity of wells were also used to rank applicants.

It was noted that the current standard for lot size consideration was 10,000 square feet per bedroom. Mr. Armendo noted the number of bedrooms listed in Assessors' records are not always correct and recommended an interior inspection be included as a loan approval requirement.

Mr. Weinberg suggested that the new loan program be administered in a way that also provides the most environmental protection benefits to the community. He advocated for a pool application process, with perhaps a six-month application period.

Program administrator Nelia Williams asked questions about lot sizes, evaluation criteria and the handling of eligible applicants from the previous program who were not granted loans because the loan funds had been exhausted. She suggested that the program be administered on a first come, first served basis, rather than setting up a pool of eligible applicants to be ranked at the end of the application period.

The Chair asked Mr. Weinberg to draw up a ranking chart for evaluation of applications with higher scoring for environmental concerns and less points for financial need. It was agreed that the household income cap will be \$150,000. The Chair noted that the Mass. Housing Loan Program also offers low-income loan for homeowners with a household income below \$100,000. Ms. Amaral agreed that the idea of selecting applicants from a pool collected over six months would not be practical or desirable, suggesting homeowners with failed systems need to get the issues resolved as soon as possible.

After some discussion, members decided not to continue advocating for a four percent interest rate to be charged and follow the Town Treasurer's recommendation to charge five percent in order to cover all administrative costs. The eligible applicants from the previous program are to be advised that the interest rate will increase from four to five percent.

2. Fund 20 Septic Program:

Mr. Weinberg indicated that the Fund 20 Septic Program for denitrification system installations is ready to be advertised. The program will offer qualified low to moderate-income homeowners a one percent loans for 20 years, to be repaid as a betterment on tax bills. An application form has been prepared, and an income verification process established. Ms. Williams asked that advertising for the program begin immediately.

3. TS Budget/Operations:

Mr. Armendo reported there are still no applications for the CDL-B licensed position at the Transfer Station. He indicated there were no changes in the Fiscal Year 2023 budget request, but expressed concerns about how the \$20,000 reduction in Transfer Station expenses suggested by the Town Administrator could impact operations. The Chair suggested that the Board may have to consider raising user fees to compensate for any reduction in funding.

4. Directors Update:

Town Meeting Warrant Update: Mr. Armendo said he is recommending the Town Meeting warrant article be revised to include \$6,000 for landfill monitoring and maintenance needs. Added to the \$18,000 requested for two roll-off containers, the new total request would be for \$24,000.

MOTION by Ms. Amaral to approve amending the Town Meeting Warrant Article funding request by \$6,000, making the total funds sought \$24,000. Seconded by Mr. Weinberg, the motion passed on a 3-0 roll call vote: Amaral, aye; Weinberg, aye; Ryden, aye.

5. BOH Tobacco Regulation Update:

Mr. Armendo suggested that the four age sale violations resulting from the recent Tobacco Control compliance check indicated a need to review and update the local tobacco sales regulations.

It was noted that a Town bylaw sets fines for the non-criminal violations at \$100, \$200, and \$300 for repeat violations, while state law sets those fines at \$1,000, \$2,000, and \$3,000. Mr. Armendo indicated that Town Meeting approval would be needed for any local bylaw changes.

TOPICS FOR THE NEXT REGULAR MEETING

None.

TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING

None.

Remote Participation Regular Meeting of the Board of Health

MOTION by Ms. Amaral to adjourn the meeting at 2:31 p.m. Seconded by Mr. Weinberg. The motion passed on a 3-0 roll call vote.

Remote Participation Regular Meeting of the Board of Health

The regular meeting of the Board of Health was called to order by the Chair at 4:04 pm. by remote participation with the following members and staff participating via videoconference.

Participants: Tanja Ryden, Chair
Philip M. Weinberg, Vice-Chair
Donna M. Amaral, Secretary
Matthew J. Armendo, Director
Linda Pierce, Public Health Nurse

CHAIR'S ANNOUNCEMENT

1. Under M.G.L., Chapter 30A, § 20(f): Meeting Being Recorded; the Chair also read Gov. Baker's order allowing public meetings to be held remotely during the pandemic.
2. The Pledge of Allegiance was recited.

PUBLIC HEALTH NURSE PRESENTATION – LINDA PIERCE, RN

CARDIO AWARENESS: As it was American Heart Month, Ms. Pierce offered a presentation on Cardio Health, detailing the various types of cardiovascular disease that are most common.

She noted that heart disease and stroke are the leading cause of death among women and one of the most common causes of death among men. She advised the audience of the warning signs of cardiovascular diseases, requiring prompt treatment; and noted the best ways of preventing those diseases, advocating for lifestyles including regular exercise and a healthy diet.

Mr. Weinberg noted that Westport has a very high incidence of heart attacks among its residents.

ANIMAL CONTROL OFFICER PRESENTATION – NICHOLAS VIDMAR, AACO

COYOTES: The Chair read a presentation on coyotes prepared by the Assistant Animal Control Officer. It was noted that the next four to six weeks is mating season for coyotes, a time when dogs and other pets are at high risk for dangerous interactions with the wild animals. She indicated that coyotes are highly territorial and should be discouraged from denning near homes to reduce the chance of contact. Any aggressive behavior by coyotes should be reported to Animal Control or the Police Department; beware of lethargic, erratic or aggressive behavior, which may be indicators of rabies infection.

DIRECTOR OF PUBLIC HEALTH

1. Written Report: No questions.
2. Update
 - Board of Health:
 - Covid Update: Report and Test Kits - Mr. Armendo reported 954 confirmed cases in January, with numbers dropping in February to 33 cases and 1 hospitalization so far this month. He cited state data indicating 76 percent of residents are partially or full vaccinated; but only 25 percent of residents aged 5 to 11 and only 50 percent of residents aged 12 to 15. He indicated that the department has received a limited supply of home test kits, to be

distributed first to high-risk members of the population; the test kits will also be given out at BOH vaccination clinics.

Review of Mask Mandate: The Director suggested that since the number of positive cases has declined significantly since January, the Board should consider revoking the mask mandate for public spaces. He suggested replacing the mandate with the State Dept. of Public Health advisory recommending use of masks in public spaces.

Ms. Amaral asked for the current positive test rate and was told it had dropped to just over 17 percent. Ms. Ryden noted that the positivity rate is still high, but many are Omicron variant cases causing less serious symptoms than earlier COVID variants. She said the Board should continue to strongly encourage high-risk resident to keep wearing masks, practice social distancing and take other precautions to prevent infection. Ms. Amaral said that as a health care provider, she encourages all residents to continue wearing masks in public spaces, regardless of risk or vaccination status.

MOTION by Mr. Weinberg to suspend the mask mandate for public places effective Feb. 8, 2022 and to publicly post the State DPH advisory recommending that masks be worn in public places. Seconded by Ms. Ryden. The motion passed on a 3-0 roll call vote: Amaral, aye; Weinberg, aye; Ryden, aye.

The Director then suggested the Board recommend to the Select Board that in-person meetings of public boards be allowed again now that the surge has passed. It was noted that if the in-person meeting ban was lifted, individual boards could decide whether to continue meeting virtually, or in person. Mr. Armendo further recommended that the Select Board be asked to lift the mask mandate for public buildings, excluding the schools.

MOTION by Ms. Amaral to recommend that the Select Board lift the ban on in-person meetings because of the reduction in COVID cases reported. Second by Ms. Ryden. The motion passed on a 3-0 roll call vote.

MOTION by Mr. Weinberg to ask that the Select Board lift the mask mandate for public buildings, excluding the schools, with mask wearing only recommended. Seconded by Ms. Ryden. The motion passed on a 3-0 roll call vote.

- Pump Reports: No concerns.
- Director Approved Plan(s):

1.) **297 Charlotte White Rd.**, 3-Bedrooms, 43,560 s.f.: The Director reviewed the repair plans for 297 Charlotte White Road.

MOTION by Ms. Amaral to endorse the Director's approval of the plans as submitted. Second by Ms. Ryden. The motion passed on a 3-0 roll call vote.

- Animal Control: The Director reported that operations are going well despite the staff still being short-handed.
- Transfer Station: The Director indicated the station continues operations on a reduce schedule; the seasonal worker recently hired seems to be doing well, he reported.

MINUTES

1. January 24, 2022 Spcl. *Incorrect date listed for minutes. It should be January 31, 2022.*
MOTION by Mr. Weinberg to approve the minutes of the Jan. 31, 2022 special meeting as presented. Seconded by Ms. Amaral. The motion passed on a 3-0 roll call vote.

OTHER BUSINESS

1. Climate Resilience Committee: BoH to Appoint a Representative to the Committee.

MOTION by Ms. Ryden to appoint Mr. Weinberg as the Board's delegate to the Climate Resilience Committee and Ms. Amaral as the alternate. The motion includes a recommendation to the Select Board to include a Mass Audubon representative on the committee. Seconded by Mr. Weinberg. The motion passed on a 3-0 roll call vote.

2. Update Sale of Tobacco Regulation: Discuss and Vote on the Updates for the "Restricting the Sale of Tobacco and Nicotine Delivery Products Regulation" and incorporate language of M.G.L. Ch. 270, §6, 6A, 7 and M.G.L. Ch. 112, §61A. Mr. Armendo submitted recommendations for changes to the local Tobacco Control regulation to make them consistent with state regulations.

MOTION by Ms. Amaral to approve the changes in Tobacco Control Regulations as presented. Seconded by Mr. Weinberg. The motion passed on a 3-0 roll call vote.

3. Next Meeting is a Holiday - Discuss When to Re-schedule and Whether in Person or Remote. Because of the upcoming holiday, it was decided that the next regular meeting would be scheduled for 4 p.m. on Tuesday, Feb. 22, 2022; the meeting will be held in person if the Select Board lifts the ban on in-person meetings.

4. Denite Plan Approvals: Discuss Director's Authority for Approval. After some discussion of the issue, Board members agreed that the Director should be granted the authority to approve Denite Plans, to be endorsed by the Board at a later time.

MOTION by Ms. Ryden to allow the Director to approve all denitrification system plans. Seconded by Ms. Amaral. The motion passed on a 3-0 roll call vote.

5. Board Member Updates. Ms. Amaral reported on a recent productive meeting with high school representatives on possible Mental Health Month activities, to be discussed further with the Superintendent and Vice Principal.

Mr. Weinberg reported that the Fund20 loan program is ready to kick off, with application forms being finalized. The one percent loans will be offered to low income residents for up to 20 years for denitrification systems with the loaned funds to be re-paid as betterments on tax bills. Soon to be advertised is the Community Septic Loan Program, offering five percent loans to homeowners earning up to \$150,000.

Ms. Ryden noted the upcoming blood drive on Feb. 17 is fully registered. She reported that the grant funding for waivers of TNT reporting fees will be exhausted after this meeting. She also noted that initial test results from the TNT systems are higher than expected and manufacturer representatives are evaluating an alkalinity issues as the cause; the test results are expected to improve as the systems operate for a longer period of time.

SEPTIC PLAN REVIEWS

1. 285 Briggs Road (M-23/L-20D) Elevator Properties, Upgrade from 2 to 3 Bedrooms with a Stone Bed and Singulair System, Designer-Grady Consulting. Mr. Armendo recommended approval of the upgrade plans. **MOTION** by Ms. Amaral to approve the plans to upgrade the system at 285 Briggs Road to three bedrooms with condition for two years of Total Nitrogen Testing with results to be reported to the Barnstable County Health Dept. and reporting fees paid by grant funds. Second by Mr. Weinberg. The motion passed on a 3-0 roll call vote.

Remote Participation Regular Meeting of the Board of Health

2. 208 Briggs Road (M-29/L-5A&5F) Mary Roderick Life Estate, 3-Bedroom Repair with an Infiltrator Quick 4 and Singulair, Designer-William Gottwald. Mr. Armendo recommended approval of the three-bedroom repair plans. **MOTION** by Ms. Amaral to approve the three-bedroom repair plans dated 1/5/22 for 208 Briggs Road with conditions including a three-bedroom deed restriction and two years of Total Nitrogen Testing, with results to be reported to the Barnstable County Health Dept. and reporting fees waived. Second by Mr. Weinberg. The motion passed on a 3-0 roll call vote.
3. Berard Court (M-34/L-41P; 4.96Ac) Raymond Parent, 4-Bedroom New Construction, Infiltrator Quick 4 with AdvanTex AX20, Designer-Len Potter. Mr. Armendo reported minor issues with the plans, to be worked out with the consulting engineer. **MOTION** by Mr. Weinberg to approve the new construction plans for 0 Berard Court with conditions including two years of Total Nitrogen Testing with results to be reported to the Barnstable County Health Dept. and reporting fees waived. Seconded by Ms. Amaral. The motion passed on a 3-0 roll call vote.
4. W. Normandin (M-18A/L-11,146; 44,838s.f.) Shawn Silva, 4-Bedroom New Construction, Infiltrator Quick 4 with Singulair; Designer-Carl Bevilacqua. Mr. Armendo indicated that the stormwater control information was incomplete. **MOTION** by Mr. Weinberg to approve the revised 4-Bedroom new construction plans for the W. Normandin lot. Conditions include two years of Total Nitrogen Testing with results reported to the Barnstable County Health Dept. and reporting fees paid by grant funds. Seconded by Ms. Amaral. The motion passed on a 3-0 roll call vote.

APPOINTMENTS

4:30pm – Waiver Hearing: Mark Rodrigues for 155 Gifford Road, Jeff Simons, 4-Bedroom Repair, Lot size 27,531 s.f., Infiltrator Quick 4 with a Singulair. Sieve Analysis in lieu of perc.

Mr. Rodrigues reviewed the repair plans for 155 Gifford Road, indicating the proposed replacement of the failed system with a TNT 500 nitrogen reducing system. The owner is seeking a variance for the use of a sieve analysis in lieu of a perc test.

MOTION by Ms. Amaral to approve the repair plan for 155 Gifford Road dated 1/29/22, with conditions including ConCom review, a four-bedroom deed restriction and two years of Total Nitrogen Testing, with results to be reported to the Barnstable County Health Dept. and reporting fees waived. Also, to approve the waiver for use of the sieve analysis. Seconded by Mr. Weinberg. The motion passed on a 3-0 roll call vote.

4:40pm – Discussion: Sean Leach, Stormwater for 10 Blue Acres Way (M-46/L-46; 3.86Ac) Ernest Correia, 4-Bedroom New Construction.

Mr. Leach participated via telephone, suggesting that the stormwater control plans are eligible for expedited review because the subdivision plans have already been reviewed by ConCom and the Planning Board. Mr. Armendo said that since a denitrification system is being proposed, he would give expedited approval based on the subdivision plans. Mr. Weinberg suggested that a coordinated review of stormwater control plans by all departments is needed; Mr. Leach suggested the Board review its regulations on this issue.

Remote Participation Regular Meeting of the Board of Health

MOTION by Ms. Ryden to approve the revised new construction plans for 10 Blue Acres Way, with conditions including a four-bedroom deed restriction, and two years of Total Nitrogen Testing with results to be reported to the Barnstable County Health Dept. and reporting fees waived. Second by Ms. Amaral. The motion passed on a 3-0 roll call vote.

TOPICS FOR THE NEXT REGULAR MEETING

None

TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING

None

The regular meeting of the Board of Health at the Town Hall Annex was called to order by the Chair at 4:00 pm. with the following members and staff present:

PRESENT: Tanja Ryden, Chair
Philip M. Weinberg, Vice-Chair
Donna M. Amaral, Secretary
Matthew J. Armendo, Director

CHAIR'S ANNOUNCEMENT

1. The Chair announced that under M.G.L., Chapter 30A, § 20(f), the meeting was being recorded.
2. The Pledge of Allegiance was led by the Chair.

DIRECTOR OF PUBLIC HEALTH

1. Written Report. No questions.
2. Update:
 - Board of Health:
 - Covid Update: Mr. Armendo reported 85 confirmed cases and one COVID-related death so far in February, a significant drop from the more than 900 cases reported in January. He noted that as of Feb. 24, residents can obtain free COVID test kits at the Board of Health offices between the hours of 8:30 a.m. and 4 p.m. on Mondays, Tuesdays, Thursdays and Fridays while supplies last. The test kits have an April 22 expiration date, which has been extended until July 30.
 - Pump Reports: No concerns.
 - **Director Approved Plans:** 1) 454 Highland Ave., 3-Bedroom Repair; 4.26 ac. **MOTION** by Ms. Amaral to endorse the Director's approval of the plans as submitted. Second by Mr. Weinberg. The motion passed on a 3-0 vote.
 - Animal Control: The Director indicated that the Assistant ACO will be on call every other weekend; he has been working or on call seven days a week. Mr. Armendo noted that the department has signed up to participate in the Cape Cod Wildlife Rabies Program, which will do free rabies testing on animals brought to them as part of a wildlife monitoring effort. Ms. Ryden noted that a rabid raccoon had recently been reported on Dionne Street, and a rabies alert and precautionary information has been posted on the BOH page on the town website.
 - Transfer Station: The Director reported on the sinkhole that formed near the transfer station building. Emergency fill and patching was done by the Highway Department, but the patchwork was washed away and a local contractor was called in to fill the hole a second time. He indicated that safe conditions had been restored.

MINUTES

1. January 24, 2022 Reg. **MOTION** by Ms. Ryden to approve the minutes of the Jan. 24, 2022 regular Meeting as submitted. Second by Mr. Weinberg. The motion passed on a 3-0 vote.
2. February 7, 2022 Reg. Amendments from Ms. Amaral included correction of the vote to approve plans for 285 Briggs Road – should read: “MOTION by Ms. Amaral to approve the plans to upgrade the system at 285 Briggs Road to three bedrooms, etc.” Also amended with addition of vote taken for item 4 (W. Normandin lot) under septic plan reviews – “MOTION by Mr. Weinberg

to approve the revised 4-Bedroom new construction plans for the West Normandin lot. Second by Ms. Amaral. The motion passed on a 3-0 roll call vote.” Also amended by Ms. Ryden with correction of language regarding waiver of TNT reporting fees to note the fees are paid by grant funds, not waived. **MOTION** by Ms. Ryden to approve the minutes of the Feb. 7, 2022 regular meeting as amended. Second by Ms. Amaral. The motion passed on a 3-0 vote.

OTHER BUSINESS

1. **Transfer Station Shed Replacement:** Mr. Armendo indicated that the Capital Improvement Planning Committee had recommended that only \$30,000 in Free Cash be budgeted for the needed replacement of the Transfer Station shed. He suggested that delaying or eliminating the plans for a bathroom and tight tank could reduce the project costs to around \$51,000. He recommended that rough plumbing be included in revised plans so bathroom facilities could be added later.

The Chair asked for possible additional funding sources and the Director indicated the \$30,000 recommended could be supplemented by \$21,000 from reserved receipts account if the Town Meeting article was amended or by Town ARPA funds for infrastructure improvements or lost revenue replacement. The Chair and Ms. Amaral expressed support for including bathroom facilities for employees for health and safety reasons.

2. **Transfer Station Staff Discussion:** The Director indicated that staffing remains at three people – one attendant, one worker with CDL license and one temporary (seasonal) attendant. He recommended postponing a decision on making the seasonal attendant a permanent employee until July, when the budget has been approved by Town Meeting. All members agreed that the position should be temporary and seasonal for a period of time because of budget uncertainties.
3. **Community Septic Loan Program:** Mr. Weinberg indicated that all application forms and related documents are ready for distribution. He reviewed the handout of environmental impact criteria to be used by staff to assess applications; it was agreed that Section 5 on the list should be simplified.
4. **Board Member Updates:** Mr. Weinberg noted that the Climate Resilience Committee’s health subcommittee will hold its first meeting on Feb.24; he and Ms. Amaral are serving on that subcommittee with Select Board member Shana Shufelt.

Ms. Amaral reported a recent meeting with the Superintendent of Schools and high school vice principal to start discussing possible activities or programs during Mental Health Awareness Month.

SEPTIC PLAN REVIEWS

1. **154 Brayton Point Road (M-88/L-96A; Lot size 3.49 Ac) Ricardo Sanchez, 3-Bedroom Repair with a stone bed, Designer – Len Potter.**

The Director noted the property has a failed system and is in an environmentally sensitive area where an advanced treatment system should be considered. He recommended that the owner be asked to voluntarily upgrade the system to include a nitrogen reduction component.

Mr. Weinberg suggested that the approval effective date be delayed so the owner could explore the TNT option. **MOTION** by Mr. Weinberg to approve the 3-Bedroom repair plan for 154 Brayton

Point Road dated Jan. 15, 2022 with an approval effective date of March 2, 2022 and conditioned on Conservation Commission approval of plans. Second by Ms. Ryden. The motion passed on a 3-0 vote.

2. 28 Meadow Road (M-22/L-58; Lot size 20,029 sf) Sharon O'Connor, 3-Bedroom Repair with Infiltrator Quick 4, MFC Waiver & WA, Designer – Steve Gilbert.

Engineer Brad Fitzgerald reviewed the 3-Bedroom repair plan, indicating the proposed system would be 120 feet from existing well and the tank 75 feet from the well. He indicated the water test showed nitrate level of 9.66 mg/L, meeting DEP standards but not the Town maximum allowance; he feels the new system will reduce the nitrate level over time. Mr. Fitzgerald said the MFC waiver requested was for financial reasons as the added \$10,000 estimated for a nitrogen reduction component would be a hardship for the owner.

Mr. Armendo said he had no issues with the plans; Mr. Weinberg suggested that the plans meet the standards for MFC, but recommended future well tests to ensure the nitrate levels go down.

MOTION by Mr. Weinberg to approve the 3-Bedroom repair plan for 28 Meadow Road dated Dec. 28, 2021 with conditions including a 3-Bedroom deed restriction and submission of a water test within one year of the new system's installation. Second by Ms. Amaral. The motion passed on a 3-0 vote.

APPOINTMENTS

None

TOPICS FOR THE NEXT REGULAR MEETING

None

TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING

None

MOTION by Ms. Amaral to adjourn the meeting at 5:35 p.m. Second by Ms. Ryden. The motion passed on a 3-0 vote.

Submitted by Robert Barboza, Recording Clerk

The regular meeting of the Board of Health at the Town Hall Annex was called to order by the Chair at 4:00 pm. with the following members and staff present:

PRESENT: Tanja Ryden, Chair
Philip M. Weinberg, Vice-Chair
Donna M. Amaral, Secretary
Matthew J. Armendo, Director
Linda Pierce, Public Health Nurse
Nick Vidmar, Asst. ACO

CHAIR'S ANNOUNCEMENT

1. The Chair announced that under M.G.L., Chapter 30A, § 20(f): the meeting is being recorded.
2. The Pledge of Allegiance was led by the Chair.

PUBLIC HEALTH NURSE PRESENTATION - Linda Pierce, RN

Brain Injury Prevention

Ms. Pierce indicated that motor vehicle accidents were the most common cause of traumatic brain injury (TBI) for the general population and noted that wearing seat belts helped minimize such injuries.

Pedestrians injured by automobiles are also a common cause with 47 percent of such injuries occurring when the driver has been using alcohol; one in five children killed in 2017 were due to pedestrian/auto accidents. Most of those pedestrian deaths were in urban areas, during evening hours, so precautions for pedestrians include wearing light-colored or reflective clothing, carrying a light, and using extra caution when vehicles approach.

Bicyclists are at higher risk for TBI than occupants of cars; accidents occur most frequently in urban areas, and precautions against accidents include use of safety helmets, using warning lights and wearing high visibility clothing when cycling. Ms. Pierce suggested that wearing a helmet is the best precaution that motorcyclists can take to minimize TBI from accidents, as they reduce the risk by 69 percent. She also noted that 802 motorcyclists who died in 2017 were not wearing helmets.

For older adults (65-plus), falls are the most common cause of TBI and caused 34,000 deaths in 2019. Using handrails on stairs, securing small rugs, maintaining a healthy diet, practicing yoga to improve balance and using canes and walkers as needed will all help seniors reduce their risk of falls.

The Public Health Nurse also indicated that assault or other violent acts, farm work, falls and accidents involving motor vehicles are all common causes of TBI among the general population and require special precautions to ensure maximum safety in those situations.

DIRECTOR OF PUBLIC HEALTH

1. Written Report: No questions or comments.
2. Update

➤ Board of Health:

- **Covid:** Mr. Armendo indicated that February closed with 101 confirmed COVID cases, and two reported deaths among residents. So far, in March, six confirmed cases have been reported. The staff is busy doing food establishment inspections and Title V inspections.

He noted the BOH still has a good supply of free COVID rapid test kits that can be obtained during regular business hours.

- **Sharps Kiosk:** The Director indicated there was an ongoing problem with people leaving Sharps outside the BOH office after hours or outside the locked disposal kiosk. He urged residents to contact the BOH office prior to bringing Sharps to the Annex and warned that Sharps not placed in proper containers should not be placed in the kiosk. Ms. Pierce noted that plastic bags or cardboard containers were not suitable for disposal and all used needles should be in approved packages or heavy-duty plastic containers such as laundry detergent bottles.
- **Pump Reports:** No questions or concerns.
- **Animal Control:** Assistant ACO Nick Vidmar was present to give the Board an update on department activities, detailing the 25 calls he responded to in the past two weeks. He reported that 2022 dog licenses are available now at the Town Clerk's office and urged that residents ensure their pet's rabies vaccinations have been done, as proof of vaccination is required for licensing. He noted that rabies vaccinations are especially important at this time of year because wild animals are becoming more active and often carry rabies. Mr. Vidmar also reported that he has completed inspections of six of the nine current kennel license holders and will soon begin trapping feral cats to be spayed, neutered and vaccinated before release. Kittens taken in the traps are offered for adoption. Ms. Amaral commended the Assistant ACO for his hard work during the last few months.
- **Transfer Station:** Mr. Weinberg noted a resident complaint about skunk odor at the Transfer Station, and the Assistant ACO confirmed that dead skunks retrieved from roads are disposed of in the trash containers. Mr. Armendo indicated that despite triple bagging, some odors do escape; scavenging wildlife also rip open bags to get at the carcasses. Investigation of odor control measures was suggested by the Board.

MINUTES

1. February 22, 2022 reg. **MOTION** by Ms. Amaral to approve the minutes of the Feb. 22, 2022 regular meeting as presented. Seconded by Mr. Weinberg. The motion passed on a 3-0 vote.

OTHER BUSINESS

1. **ATM Warrant Article Revision/Transfer Request:** Mr. Armendo indicated that the Annual Town Meeting warrant article for use of receipts reserves was being amended again to seek funding for only one new roll-off container, not the two originally sought. Use of reserved receipts for landfill monitoring will also be sought via that Article. Since additional funds are needed to maintain the outside transport contract for full containers, he recommended that \$36,000 be transferred from the Transfer Station personnel account to the Transfer Station expenses account to cover those costs.
2. **Spring Litter Clean Up Day:** Ms. Amaral reported that Team COW has set a tentative date of April 9 for the Spring Clean Up Day, with about 55 volunteers already signed up for the event. She asked if the Board of Health was willing to provide funding for a 20-yard dumpster for the collected trash, and Mr. Armendo indicated that funding was available to make that commitment. Ms. Amaral noted that potential volunteers can sign up via the Team COW Facebook page.
3. **Board Member Updates:** Mr. Weinberg reported that the Climate Change Resiliency Committee's Health Subcommittee had its initial meeting and drafted a list of potential climate

change risks that could have an impact on public health. Ms. Amaral indicated that she is continuing planning and outreach efforts for Mental Health Awareness Month in May and asked if ARPA funding should be requested for ongoing education and outreach efforts by the BOH. The Director suggested some of the initial ARPA funding allocated to the BOH could be earmarked for those efforts.

TOPICS FOR THE NEXT REGULAR MEETING

None.

TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING

None.

MOTION by Ms. Amaral to adjourn the meeting at 4:47 p.m. Seconded by Mr. Weinberg. The motion passed on a 3-0 vote.

The regular meeting of the Board of Health was called to order by the Chair at the Town Hall Annex at 4:00 pm. with the following members and staff present:

Present: Tanja Ryden, Chair
Philip M. Weinberg, Vice-Chair
Donna M. Amaral, Secretary (arrived at 4:35 p.m.)
Matthew J. Armendo, Director

CHAIR'S ANNOUNCEMENT

1. The Chair announced that under M.G.L., Chapter 30A, § 20(f): the meeting was being recorded.
2. The Pledge of Allegiance was led by the Chair.

DIRECTOR OF PUBLIC HEALTH

1. Written Report: No questions.
2. Update
 - Board of Health
 - Covid Update: The Director indicated there was a continuing downward trend in COVID cases with 38 reported cases among residents and one death so far in March. He noted that the Board of Health has free COVID rapid test kits available to residents during regular business hours. He also noted the BOH has a limited amount of nasal Narcan, an opioid overdose reversal agent, available for distribution to residents at no cost.
 - Pump Reports: No issues noted.
 - Director Approved Plans:
 - 1) 75 Charlotte White Rd Ext; 3B; 73,180s.f. Stone Bed.
 - 2) Westport Lakes Rd, 4B; 109,609s.f; Diffusor with Singulair.

MOTION by Mr. Weinberg to endorse the Director's approval of plans for 75 Charlotte White Road Ext. and 4B Westport Lakes Road. Seconded by Ms. Ryden. The motion passed on a 2-0 vote.
 - Animal Control: Mr. Armendo reported that the Assistant ACO has been busy with both weekday and weekend calls; kennel inspections are now completed. The Chair noted that an avian flu advisory has been issued by the state, alerting domestic poultry owners of increased risk of the virus. Reports of dead poultry should be made to Mass. Dept. of Agriculture, and reports of wild birds should be made to the Mass. Division of Fisheries & Wildlife.
 - Transfer Station: The Director noted the return of normal operating hours (Monday, Thursday, Friday, Saturday and Sunday, 8:30 a.m. to 3 p.m.) as of March 10.

MINUTES

1. March 07, 2022 Reg. **MOTION** by Mr. Weinberg to approve the minutes of the March 7, 2022 regular meeting of the Board of Health as submitted. Seconded by Ms. Ryden. The motion passed on a 2-0 vote.

OTHER BUSINESS

1. Animal Inspector Nominations: The Director indicated that current Animal Inspectors Nick Vidmar and Joseph Reis have been doing a good job and should be considered for re-appointment.

MOTION by Ms. Ryden to appoint Nick Vidmar and Joseph Reis as Animal Inspectors. Seconded by Mr. Weinberg. The motion passed on a 2-0 vote.

2. April 18th Holiday-Reschedule Meeting: Members agreed that the April 18 meeting is rescheduled to 4 p.m. on Wednesday, April 20, 2022.
3. Set Working Meeting Date to Discuss Priorities: Members agreed that a working meeting will be held at 1 p.m. on Wednesday, March 30, 2022 to discuss the Board's priorities and projects.
4. Board Member Updates:
Mr. Weinberg reported that the department has completed posting documents for the new Community Septic Loan Program, offering 5 percent interest loans for denitrification system installations. The program is ready to be advertised.

He noted that the Health Subcommittee of the Climate Resilience Committee held its first meeting; a review of the Town's Emergency Response Plan will be among the first topics for discussion.

He also indicated that a local pediatrician has volunteered to serve on the subcommittee, chaired by Mr. Weinberg.

Ms. Ryden noted that warm weather brings ticks and urged residents to begin taking precautions to prevent tick bites.

She also reviewed a number of upcoming events, including the Team COW Litter Clean-Up planned for April 9, 2022; Electronics Recycling Event on April 20, 2022 planned by the Westport River Watershed Alliance; Blood Drive on March 24, 2022 with the American Red Cross at the old Westport High cafeteria; and the South Watuppa Pond Study Group meeting on March 22, 2022.

APPOINTMENTS

4:20pm – Waiver Hearing: Carl Bevilacqua for 388 River Road, Mark & Pamela Turick, 3-Bedroom Repair (37,223 s.f.) Infiltrator Quick 4.

Wendy Henderson was in attendance to review the three-bedroom repair plan for the riverfront property, explaining that several pumps would move the effluent uphill to the tank and leaching field.

The use of a sieve analysis instead of a perc test is the only waiver requested.

Mr. Armendo suggested that the many site limitations made the proposed plan the best option for replacing the cesspool.

MOTION by Mr. Weinberg to approve the three-bedroom repair plan dated 3/8/22 for 388 River Road with a waiver allowing the sieve analysis calculations in lieu of a perc test; conditioned on Conservation Commission approval of the plans. Second by Ms. Ryden. The motion passed on a 2-0 vote.

4:30pm – MFC Waiver: Len Potter for 10 Third Avenue, James DiNardo 2-Bedroom Repair, (6,400 s.f.) with Infiltrator Quick 4; Previously approved with denite system with former owner.

Mr. Potter indicated that plans for a new system had been approved in 2020, but the owner was unaware that a waiver could be requested for Maximum Feasible Compliance without the additional \$9,000 estimated cost of denitrification components. He said his client was seeking the MFC waiver due to the cost estimate exceeding 10 percent of the assessed value of the property. He noted that onsite well tests indicated a nitrate level of 4.8.

The Chair cited MFC policy requiring denitrification systems in nitrogen-sensitive areas on small lots and noted the lot appears to be in a wellhead protection zone.

MOTION by Ms. Ryden to continue the waiver hearing until 4:40 p.m. on April 4. Seconded by Ms. Amaral. The motion passed on a 3-0 vote.

4:40pm – MFC Waiver: Len Potter for 194 E. Beach Road, Derek Reis, 2-Bedroom Repair (10,700 s.f.) with Infiltrator Quick 4.

Mr. Potter explained that the house has been empty for a number of years, but was served by an outhouse (now demolished) and a sink drain leading to a trench, considered a “septic system” eligible to be repaired.

Ms. Ryden expressed concerns about locating a septic system so close to a coastal beach area. Mr. Potter indicated the site is not considered a barrier beach area but rather a coastal dune area where septic systems can be located.

Mr. Weinberg suggested the site was a good candidate for a tight tank installation, allowed under Title V for seasonal use. He further suggested that the owner seek Conservation Commission approval for a tight tank plan.

MOTION by Ms. Amaral to continue the waiver hearing until 4:50 p.m. on April 4 for possible review of revised plans. Seconded by Ms. Ryden. The motion passed on a 3-0 vote.

4:50pm – Waiver Hearing: Alex Gorodetsky for 541 Old Bedford Road, Antonio Andrade Tr. c/o A. Gorodetsky) 4-Bedroom Repair (1,649,214 s.f.) Eljen GSF.

Mr. Gorodetsky presented a review of a four-bedroom repair plan for replacement of an existing cesspool.

He indicated that waivers were sought for:

- use of a sieve analysis because the high water table hindered percolation testing,
- for well setbacks from system components
- for piping separation from groundwater table

He further proposed relocation of the existing well to a site that would meet the minimum 50-foot setback from components.

MOTION by Mr. Weinberg to allow director approval of a revised repair plan showing a relocated well, eliminating the need for the well setback waiver. Approval to include sieve analysis waiver and piping separation from groundwater table waiver. Conditions to include, Conservation Commission approval and execution of a Hold Harmless Agreement. Seconded by Ms. Amaral. The motion passed on a 3-0 vote.

5:00pm – Waiver Hearing: Sean Leach for 170 Cadman’s Neck Rd, Ross Forbes, 4-Bedroom Repair (12,564 s.f.) Infiltrator Quick 4 with AdvanTex.

Mr. Leach presented details of the four-bedroom repair plan to replace the cesspool that had passed a Title V inspection but would be upgraded to a denitrification system.

He indicated the owner was seeking a MFC waiver from the 50-foot well setback requirement, as system components might be about 48 feet from the well.

MOTION by Ms. Amaral to approve the four-bedroom repair plan dated 2/14/22 for 170 Cadman's Neck Road with a waiver allowing system components to be at least 45 feet from the well. Conditions including a four-bedroom deed restriction; three years of well testing; Conservation Commission approval; filing of I/A system compliance documents; two years of Total Nitrogen Testing with results to be reported to the Barnstable County Health Dept.; and execution of a hold harmless agreement. Seconded by Mr. Weinberg. The motion passed on a 3-0 vote.

TOPICS FOR THE NEXT REGULAR MEETING

TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING

MOTION by Ms. Amaral to adjourn the meeting at 5:42 p.m. Seconded by Mr. Weinberg. The motion passed on a 3-0 vote.

Submitted by Robert Barboza, Recording Clerk

The Special Meeting of the Board of Health was called to order at 1:00 pm with the Chair announcing the meeting is being recorded.

PARTICIPANTS: Tanja Ryden, Chair
Philip M. Weinberg, Vice-Chair
Donna M. Amaral, Secretary
Matthew J. Armendo, Director

CHAIR'S ANNOUNCEMENT

1. Under M.G.L., Chapter 30A, § 20(f): Meeting Being Recorded

OTHER BUSINESS

1. Transfer Station Fee Schedule:

Ms. Ryden presented a proposed new transfer fee schedule and reported that the BOS perceives the Transfer Station as non-essential. It was suggested by the BOS that the Transfer Station be self-sustaining, but is running a \$59,000 deficit. Mr. Armendo spoke of the changes in the transfer fees that are in response to increases in disposal costs. There was a discussion regarding the cost benefits of continuing Transfer Station operations. Mr. Armendo noted that town services such as schools, the COA, highway department, all rely on the Transfer Station for trash disposal. The town would need to contract for this service if there was no Transfer Station.

He also noted that the Public Health Department carries the entire cost of the maintenance of the landfill and there are costs and expenses charged to the department that are not covered in our budget but are calculated into the indirect cost analysis. A financial case can be made that the landfill mowing should not be included in the analysis.

There was a discussion regarding all transfer fee increases. Mr. Weinberg suggested that the Board wait to increase the cost of the annual stickers as they were increased two years ago. He is in favor of an increase in the cost of punch cards as they have not been increased recently.

MOTION by Mr. Weinberg to adopt the proposed fee schedule as presented with the exception of the increase in annual sticker fee. Seconded by Ms. Amaral. All in favor.

2. Review of Priorities

- a). Ms. Ryden reviewed a list of FY 2021 priorities that began in August 2020. She noted the many items the Board had completed including:
 - Development of denitrification
 - Updated septic regulations
 - Updating our Community Septic Loan Program
 - Holding a Household Hazardous Waste collection event
 - Swine and equine inspection and permitting strategy
 - Education and outreach through community programs during Mental Health Awareness month

- Several blood drives
- COVID vaccine clinics
- Submission of several Health Notes columns in the Shorelines to inform, educate and to promote a healthy community.

There were other items that have been completed and some that are in process.

- b). FY 2023 priorities were discussed and listed. Regulation consolidation and reform was identified as the first priority by Ms. Ryden. There was a discussion about other issues of concern in need of review. Mr. Weinberg spoke of the Climate Resiliency Committee (CRC) and the Board's role. Mr. Weinberg is the chair of the Health Subcommittee of the CRC. He and Mr. Armendo plan to meet with the regional coordinator of Emergency Response, which is a BOH consideration. Ms. Ryden suggested that all members acknowledge that we are all on various sub-committees. Ms. Amaral is an alternate and Ms. Ryden is on the Engagement Subcommittee but that our work on those committees is not the work of the Board.
- c). Mr. Armendo suggested another priority of development of a Well regulation, which we do not have. Ms. Ryden pointed out that when we have a new regulation that we are able to put it on-line. Ms. Amaral suggested internships to help develop projects. Mr. Armendo expressed concern that there could be a conflict with the Union and that would have to be explored.

List of FY 2023 Priorities:

1. Regulation reform and consolidation
 - a. Well
 - b. Septic
 - c. MFC
 - d. Animal control
2. Data system upgrade
3. Cesspool closures
 - a. Communication regarding regulation deadline
 - b. Data on number left and number closed
4. Reduction of the administration and cost of denitrification system permitting
 - a. Consolidation?
5. Other priorities
 - a. Health Notes
 - b. Annual reports
 - c. Transfer station
 - d. Education and outreach events
 - i. Mental health awareness

3. Unanticipated

Mr. Armendo requested that the Board vote to post the position for an Animal Control Officer and to elevate Nick to the position of Animal Control Officer and increase his hours to 40 per week until another officer is hired.

MOTION by Ms. Amaral to post the ACO position, elevate Nick to ACO and increase his hours to 40 hours/week until second officer hired. Seconded by Mr. Weinberg. All in favor.

Monday's agenda was discussed and will plan to address Transfer Station fee schedule increase.

MOTION by Ms. Amaral to adjourn the meeting at 3:17pm. Seconded by Mr. Weinberg. All in favor.

The regular meeting of the Board of Health was called to order by the Chair at the Town Hall Annex at 4:00 pm. with the following members and staff present:

PRESENT: Tanja Ryden, Chair	Matthew J. Armendo, Director
Philip M. Weinberg, Vice-Chair	Linda Pierce, Public Health Nurse
Donna M. Amaral, Secretary	Nicholas Vidmar, AACO

CHAIR'S ANNOUNCEMENT

1. The Chair announced that under M.G.L., Chapter 30A, § 20(f): the meeting was being recorded.
2. The Chair led the meeting in the Pledge of Allegiance. She also offered the Board's congratulation to the Director of Public Health Matthew Armendo for his recent award of a Master's Degree in Public Health.

ANIMAL CONTROL PRESENTATION - Nicolas Vidmar, AACO

Prevention of Cruelty to Animals, Rabies Clinic:

Assistant Animal Control Officer Nick Vidmar offered a brief talk on the prevention of cruelty to animals, noting that April is Animal Cruelty Prevention Month.

He indicated that 65 percent of abused animals are dogs and cited national data showing that about 100 dogs died last year from heat exhaustion caused by being left in locked cars during warm weather.

He encouraged listeners to be proactive reporting potential abuse to police or Animal Control, if they see signs of mistreatment of any animals. He discouraged listeners from doing business with the more than 10,000 puppy mills in the U.S. or sellers of parrots being helped to extinction by the pet trade.

Mr. Vidmar also noted that positive support can be shown by buying cage-free eggs and grass-fed beef, adopting pets from animal shelters and volunteering at local animal shelters.

Announcements:

The AACO reported on plans for a rabies clinic on April 23, 2022 from 9 a.m. to noon at the Hix Bridge Road Fire Station. Shots for healthy dogs on leashes and cats in carriers are free to residents and \$15 for non-residents. Dog licenses for 2022 were due by April 1 and proof of vaccination is required.

He also reported a new Facebook page, Westport MA Animal Control, that will be used for outreach with residents.

PUBLIC HEALTH NURSE PRESENTATION - Linda Pierce

Arthritis:

Public Health Nurse Linda Pierce's monthly health topic is Arthritis, a leading cause of disability among U.S. adults afflicting one in four in the population.

The two types are Osteo Arthritis in joints, a painful condition caused by wear and tear; and Rheumatoid Arthritis (RA), an autoimmune disease causing inflammation, pain, fever and fatigue.

The diseases are typically treated with NSAIDs and anti-inflammatory drugs with symptoms alleviated by applying heat and/or ice and moderate physical exercise such as walking or gardening. Ms. Pierce noted the condition may be aggravated by inflammatory foods such as white flour, pasta and vegetable oils.

Announcements:

The Public Health Nurse also mentioned the availability to residents of free NARCANE, the opioid overdose reversal drug, which is available at the Board of Health office along with a limited number of free COVID rapid test kits.

The next BOH-sponsored blood drive with the American Red Cross is planned for Thursday, April 21, 2022 at the old Westport High School cafeteria.

DIRECTOR OF PUBLIC HEALTH

1. Written Report: No questions.
2. Update
 - Board of Health:
 - COVID: Mr. Armendo provided a Covid Update indicating that March closed with 64 reported cases and one death; so far in April, there has been one case confirmed and no hospitalizations reported. He noted that the Center for Disease Control is recommending COVID booster shots for people over 50 and in high risk categories.
 - Pump Reports: No questions or comments.
 - Director Approved Plans:
 - a.) 32 Oakland Street. The Director reviewed the four-bedroom repair plans for the denitrification system proposed for 32 Oakland Street.
 - MOTION** by Ms. Amaral to endorse the director's approval of the repair plan as submitted, conditioned on a four-bedroom deed restriction, and two years of Total Nitrogen Testing reported to the Barnstable County Health Department. Seconded by Mr. Weinberg. The motion passed on a 3-0 vote.
 - Animal Control: Mr. Armendo reported the department is busy as usual with calls as shown on the written report.
 - Transfer Station: The Director reported smooth operations in the past two weeks.

MINUTES

1. March 21, 2022 Reg. **MOTION** by Ms. Ryden to approve the minutes of the March 21, 2022 regular meeting of the BOH as submitted. Seconded by Mr. Weinberg. The motion passed on a 3-0 vote.

OTHER BUSINESS

1. James Aguiar Jr., Inspector: Title 5 Inspection Review for 1056 Main Road.

Mr. Aguiar reviewed the inspection report, indicating the site well was less than 50 feet from the septic system and tested low for nitrates but showed the presence of bacteria. Mr. Armendo recommended chlorination of the well and re-testing of the water.

MOTION by Ms. Amaral to pass the Title V Inspection conditional on successful chlorination treatment and a clean water test. Seconded by Mr. Weinberg. The motion passed on a 3-0 vote.

2. Mr. Aguiar also reviewed the Title V inspection report for 2038 Main Road.

A seasonal home. The well test showed nitrates just over 5.0 limit with a broken pipe suggested as the cause of elevated nitrates.

The well is 38 feet from the septic system, a 1,000 gallon tank with a leaching trench. As there is a UV water treatment system in place, he feels the system should pass Title V Inspection once the pipe is repaired.

Owner Robert Branca was present and noted an April 15, 2022 sale was planned.

Mr. Weinberg made a motion to pass the Title V Inspection with the required pipe repair and new water test, but there was no second. Mr. Weinberg suggested a voluntary denitrification system for the well; Ms. Ryden felt a denitrification component for the septic system would be preferable.

MOTION by Ms. Ryden to issue a conditional pass of Title V Inspection with the required pipe repair and submission of a water test showing nitrates below 5.0 within six months. Seconded by Ms. Amaral. The motion passed on a 2-1 vote with Mr. Weinberg voting nay.

3. Christopher Peixoto: Request for a 1-Year Extension on a Proposed Septic Plan for Adamsville Road M-80/L-11A.

MOTION by Mr. Weinberg to extend the approval of the proposed septic plan for Lot 11A for one year. Seconded by Ms. Amaral. The motion passed on a 3-0 vote.

4. Transfer Station Fees:

The Chair noted that the Board had reviewed and approved a list of proposed new Transfer Station fees, effective July 1, 2022 at a recent work session and was endorsing the new rates at this regular meeting.

The increases for punch cards and the annual sticker fee are needed to cover higher disposal costs to the Town and the BOH is not expected to make any profit from operations. The entire list was read by the Chair and will be posted on the BOH web page.

5. Board Member Updates:

Ms. Amaral noted that the Team COW spring litter clean-up day was Saturday with more than 100 volunteers signed up to scour the Town. She is also working with school officials on activities for Mental Health Awareness Month in May.

Ms. Ryden noted that the Board had also reviewed its priorities and projects list for the coming fiscal year and had identified some new project areas to consider acting on.

APPOINTMENTS

4:30pm – Waiver Hearing: Len Potter for 792 State Road, Tony Diogo, 2-Bedroom Repair, (8,000s.f.) with Infiltrator Quick 4.

Mr. Potter reviewed the two-bedroom repair plans for 792 State Road with his client seeking a Maximum Feasible Compliance Waiver for the well separation distances.

- Site well (3.93 nitrates) is 54 ft. vs. 100 ft. from proposed leaching field
- Abutter's well (3.15 nitrates) is 69 ft. vs. 100 ft. from leaching field

Mr. Potter is proposing to replace and expand the existing leaching field and add an Infiltrator Quick 4 component to the system, failed after about 11 years of service.

MOTION by Mr. Weinberg to approve the Maximum Feasible Compliance two-bedroom repair plans for 792 State Road dated 3/17/22, conditioned on Conservation Commission approval, a two-bedroom deed restriction, waivers for well setbacks as shown, three years of well testing and a hold harmless agreement. Seconded by Ms. Amaral. The motion passed on a 3-0 vote.

4:40pm – MFC Waiver - Continued from 3/21/22: Len Potter for 10 Third Avenue, James DiNardo 2-Bedroom Repair, (6,400 s.f.) with Infiltrator Quick 4.

Previously approved with denite system with former owner. Mr. Potter indicated the new owner is seeking a waiver of the requirement for a denitrification system because of the added expense.

He noted the property was only assessed at \$245,000. He stressed that the +/- 7.0 nitrate level was below the EPA limit for safe drinking water, though above the 5.0 Town threshold for the denitrification requirement.

Mr. Potter indicated he would prepare revised plans relocating the proposed system at least 50 feet from wetlands, but closer to both site and abutter wells as a possible compromise.
Discussion, no action.

4:50pm – MFC Waiver-Continued from 3/21/22: Len Potter for 194 E. Beach Road, Derek Reis, 2-Bedroom Repair (10,700 s.f.) with Infiltrator Quick 4.

Mr. Potter reviewed the State regulations for septic systems in coastal dune areas, indicating repairs to existing systems are allowed, but new installations are not. He stressed that tight tanks are allowed if no other reasonable alternatives were available in a coastal dune area, but said his client would prefer a traditional septic system.

The Director indicated that a conference call with DEP has been arranged to discuss the specific Title V regulations involved in this case.

MOTION by Ms. Amaral to continue the waiver hearing to 4:30 p.m. on May 2, 2022. Seconded by Mr. Weinberg. The motion passed on a 3-0 vote.

5:00pm – Waiver Hearing: Darren Michaelis of Foresight Eng. for 41 E. Briggs Road, Max Hill Properties, 3-Bedroom Repair (9,825s.f.) with Infiltrator Quick 4 and MicroFAST 5.0.

The Director reviewed the repair plans, making note of the high nitrate levels (11.8) in the water, and the extremely small size of the lot.

This is a local upgrade request with waiver sought for:

- well setback distance, 52 ft. vs. 100 ft. of the site well to the proposed septic system

MOTION by Mr. Weinberg to approve the three-bedroom repair plan for a denitrification system at 41 East Briggs Road with conditions including Conservation Commission approval, local upgrade waiver for 52 foot well distance, two years of Total Nitrogen Testing reported to Barnstable County Health Department, hold harmless agreement and compliance with the DEP standards for the proposed system. Seconded by Ms. Amaral. The motion passed on a 3-0 vote.

TOPICS FOR THE NEXT REGULAR MEETING

None.

TOPICS NOT REASONABLY ANTICIPATED FORTY- EIGHT (48) HOURS IN ADVANCE OF THIS MEETING

2038 Main Road Title 5 Inspection Review for Water Test Results. Closing on property pending. See above discussion and vote.

MOTION by Ms. Amaral to adjourn the meeting at 5:54 p.m. Seconded by Mr. Weinberg. The motion passed on a 3-0 vote.

Submitted by Robert Barboza, Recording Clerk

The regular meeting of the Board of Health was called to order by the Chair at the Town Hall Annex at 4:00 pm. with the following members and staff present:

PRESENT: Tanja Ryden, Chair
Philip M. Weinberg, Vice-Chair
Donna M. Amaral, Secretary
Matthew J. Armendo, Director

CHAIR'S ANNOUNCEMENT

1. The Chair announced that under M.G.L., Chapter 30A, § 20(f): the meeting was being recorded.
2. The Chair led the meeting in the Pledge of Allegiance. She noted she had been re-elected to another term on the board in the recent annual election and called for a re-organization of officers. There was general agreement that board members should retain their current positions.

MOTION by Mr. Weinberg to elect Ms. Ryden as Chair, Mr. Weinberg as Vice Chair and Ms. Amaral as Secretary. Second by Ms. Amaral. The motion passed on a 3-0 vote.

DIRECTOR OF PUBLIC HEALTH

1. Written Report: No questions or comments.

2. Update:

➤ Board of Health:

- Covid: Mr. Armendo reported 38 confirmed COVID cases as of April 20 with no hospitalizations or deaths of residents reported. He noted a continuing problem with residents not complying with the strict rules for dropping off sharps for disposal at the BOH office.

Sharps are required to be brought in heavy-duty plastic containers and not paper or cardboard containers; improper containers left outside the door pose risks to staff and the public. He warned that if residents do not comply with the rules, the disposal service will have to be discontinued for safety reasons.

- Pump Reports: No questions or comments.
- Director Approved Plans: 1.) Hidden Glen Lane (M-52/L-35P). The Director reviewed the four bedroom new construction plans for the denitrification system proposed for this lot.

MOTION by Mr. Weinberg to endorse the director's approval of the plans as submitted, with conditions including Conservation Commission approval and compliance with all I/A requirements for the proposed system. Second by Ms. Amaral. The motion passed on a 3-0 vote.

➤ Animal Control:

- Mr. Armendo reported the part-time Animal Control Officer position is up to 30 hours per week has been posted and a number of applications have been received and are being reviewed.
- It was noted that the department is cooperating with New Bedford Animal Control Dept. staff to offer a rabies clinic, which will be behind the Hix Bridge Road Fire Station from 9am – 12pm on April 23, 2022; the shots are free to residents and \$15 for non-residents. Details are available on the Animal Control and BOH web page.

➤ Transfer Station:

- The Director noted that there have been no applications for the advertised position for a Class B License holder, so he is preparing a new contract for outside transport services for the coming fiscal year.

MINUTES

1. April 4, 2022 Reg. Ms. Amaral noted that the date of the next blood drive mentioned in the minutes should be April 21, 2022. **MOTION** by Ms. Amaral to approve the minutes of the April 4, 2022 Regular Meeting of the BOH as amended with the date corrected to April 21, 2022. Second by Mr. Weinberg. The motion passed on a 3-0 vote.

OTHER BUSINESS

1. Atlantic Beach Tier 3 Status and Variance Renewal: The Director indicated that renewal of the variance for another four years was recommended as being adequate to maintain safe conditions. **MOTION** by Ms. Amaral to approve the variance renewal for testing at Atlantic Beach Club. Seconded by Mr. Weinberg. The motion passed on a 3-0 vote.
2. Knubble Beach Tier 3 Eligibility and Sampling Variance: A review of the sanitary survey indicated that the Knubble Beach was qualified for Tier 3 Status with monthly testing allowed. **MOTION** by Ms. Amaral to accept the sanitary survey and approve the Sampling Variance for monthly testing at the Knubble Beach. Seconded by Mr. Weinberg. The motion passed on a 3-0 vote.
3. Board Member Updates: Ms. Amaral noted that the Team COW spring clean-up day was a great success with more than 100 volunteers helping to fill a big dumpster with trash collected from town roadsides. She noted that Ms. Ryden and Mr. Weinberg were among the volunteers taking part; plans call for a fall clean-up as well. Ms. Amaral and Ms. Ryden noted a disturbing amount of nip bottles, beer cans, and cigarette packages among the roadside trash collected.

Ms. Amaral also reported that she is finalizing plans for activities for Mental Health Awareness Month in May with the initial speaker to focus on mental health issues impacting youths.

Mr. Weinberg noted a recent meeting with the Director and representatives of Francis Estates to discuss the shared system.

Ms. Ryden reported on her draft combined septic regulation; plans to address transfer station rate increases and operating procedures in a future newspaper column; and a paper shredding event planned for May 14, 2022.

She also noted BOH articles on the May 3, 2022 Annual Town Meeting warrant, seeking funding for dumpster purchases and a service shed with town capital funds and use of retained revenues.

APPOINTMENTS

4:30 pm – Waiver Hearing: 54 Robert Street, David DaSilva & Denise Andrade, non-compliance with O & M Agreement.

The Director reported no response from owners to letters from BOH and Barnstable County Health Dept. regarding non-compliance with the O & M Agreement, calling for two years of Total Nitrogen Testing, twice a year.

Mr. Weinberg asked what enforcement provisions were listed in the agreement. Ms. Ryden suggested that telephone and e-mail contact be attempted by the staff before an enforcement action was initiated. The Director suggested a site visit and attempting direct contact with the owners. There was general agreement that staff outreach efforts should continue, seeking compliance by owners.

4:40 pm – Discussion: Title 5 Inspection Report for 69 Union Avenue, Kim Cruz with Water Analysis Showing Nitrates over 5 (9,180 sf)

Realtor Derek Viveiros was present, representing the executor of the estate owning the property.

The house has been vacant for some time; recent water tests showed nitrates above 10; re-test after chlorination showed nitrates above 9. A new well installed in 2013 increased distance to septic system from 58 to 78 feet and a filtration system installation at that time produced water test with 2.46 nitrate level.

The Chair cited concern over failure to meet 100 foot well setback, small lot size and high nitrate levels. Mr. Weinberg suggested the last water test showing nitrates over 9 ppl indicates a failed septic system exists and replacement with a nitrogen-reduction system is needed.

MOTION by Mr. Weinberg to determine that 69 Union Avenue has a failed system under Title 5 regulations. Seconded by Ms. Amaral. The motion passed on a 3-0 vote.

TOPICS FOR THE NEXT REGULAR MEETING

None.

TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING

None.

MOTION by Ms. Amaral to adjourn the meeting at 5:11 p.m. Seconded by Mr. Weinberg. The motion passed on a 3-0 vote.

Submitted by Robert Barbosa, Recording Clerk

The regular meeting of the Board of Health was called to order by the Chair at the Town Hall Annex at 4:00 pm. with the following members and staff present:

PRESENT: Tanja Ryden, Chair
Philip M. Weinberg, Vice-Chair
Donna M. Amaral, Secretary
Matthew J. Armendo, Director Public Health
Nick Vidmar, Animal Control Officer

CHAIR'S ANNOUNCEMENT

1. The Chair announced that under M.G.L., Chapter 30A, § 20(f): the meeting was being recorded.
2. The Chair led the meeting in the Pledge of Allegiance.

PRESENTATION – Donna Amaral, RN

May - Mental Health Awareness Month

Ms. Amaral offered a presentation on May being Mental Health Awareness Month. She noted that one in five members of the general population will deal with mental health issues during their lifetime and that children are being increasingly impacted by these social and emotional problems.

She indicated that living with pandemic conditions has added stress to the lives of people of all ages, causing increased anxiety, depression, isolation, substance abuse and other problems to the medical issues related to the coronavirus crisis.

For those reasons, the Board of Health is working to increase awareness of these mental health issues in the community during the month of May with a series of events:

- May 11 - presentation at the new middle-high school auditorium on Old County Road on the effects of trauma.
- May 14 – presentation at the Annex, 856 Main Road on mental health first aid program with speakers, emergency services agency representatives and information on mental health resources available to the community.
- May 21 - adult wellness workshop offering strategies for fostering good mental health; residents may register for this event by May 16 by visiting the Recreation Dept. web page. She noted that other in-school activities for students at different grade levels are also planned by school staff.

ANIMAL CONTROL PRESENTATION - Nick Vidmar, ACO

May – National Pet Month

Mr. Vidmar offered a presentation on May being recognized as National Pet Month and noted that the first week of May is also designated as Be Kind To Animals Week.

He cited statistics showing that pets are present in some 80 million U. S. homes, offering owners opportunities to stay active, reduce stress and benefit from their companionship. He suggested that this

is an appropriate time to pamper your pets with extra attention, toys and treats in thanks for their loyal company throughout the year.

DIRECTOR OF PUBLIC HEALTH

1. Written Report: No questions.

2. Updates:

➤ **Board of Health**

- Covid Update: The Director reported that April ended with 84 confirmed cases, and one reported hospitalization. As of May 2, there were three confirmed cases among residents. As it appears that the uptick in new cases is continuing into May, he suggested that residents should continue to be cautious in public settings and take precautions against contracting the virus.
- Pump Reports: Nothing unusual reported.
- Director Approved Plans:
 - 1.) 433 Cornell Road, Robert Croke, non-denite. Mr. Armendo indicated that this was an emergency repair which had been expedited.
 - 2.) 812 Sanford Road, Arthur Ceasar, non-denite
 - 3.) 877 Horseneck Road, Patrick Engleman, denite
 - 4.) Drift Road (57/46), James Kloss, denite
 - 5.) 1489 Main Road, Millicent Throop Est., non-denite
 - 6.) 86 Watuppa Road,
Jose Pacheco, revised to non-denite

MOTION by Mr. Weinberg to endorse the approvals issued by the Director for these six sites. Seconded by Ms. Amaral. The motion passed on a 3-0 vote.

- 54 Robert Street. The Director provided an update on the non-compliance with a denite system O&M agreement. A certified letter was sent and followed by a site visit by the Director and a telephone conversation with the property owner who promised compliance with the agreement. Mr. Armendo also noted another case of non-compliance at a different site is also being investigated.
- The Director reported on an invitation for Westport to join a collaborative agreement with four other communities to apply for up to \$300,000 in MA Dept. of Public Health grants to upgrade Board of Health staffs with shared nurses, inspectors or health agents. A May 3, 2022 Zoom meeting is planned to finalize the collaborative application from Westport, Rochester, Marion, Freetown and possibly Lakeville. **MOTION** by Ms. Amaral to support Westport's inclusion in the collaborative application for the DPH grant program. Seconded by Mr. Weinberg. The motion passed on a 3-0 vote.

➤ **Animal Control:**

- The Director reported that the weekend rabies clinic was a success with 37 Westport pets and two non-resident pets receiving the vaccine.

➤ **Transfer Station:**

- The Director indicated all operations were going smoothly with Frade's Disposal (now Wheelabrator Technologies/WIN Waste Innovations) continuing to transport dumpsters on Mondays and Fridays.

- He noted a request to transport a full tire dumpster had not been answered and the company would be contacted again the following day.
- He also reported that the company maintaining the solar array at the landfill was bringing sheep to the site to graze on the grass around the panels, in fenced enclosures.

MINUTES

1. March 30, 2022 Spcl. Meeting. **MOTION** by Ms. Amaral to approve the minutes of the March 30, 2022 special meeting as presented. Seconded by Mr. Weinberg. The motion passed on a 3-0 vote.
2. April 20, 2022 Reg. Ms. Ryden presented several amendments in writing to the draft minutes; Ms. Amaral further noted that the discussion of Mental Health Awareness Month activities should refer to youths not students. **MOTION** by Ms. Amaral to approved the minutes of the April 20, 2022 regular meeting as amended. Seconded by Mr. Weinberg. The motion passed on a 3-0 vote.

OTHER BUSINESS

1. Cemetery-Request for Use of Transfer Station Backhoe: Director noted that the Transfer Station staff has been assisting the Cemetery Department with grave digging services until Cemetery's new backhoe is delivered. Now, Cemetery has asked to use the Transfer Station backhoe without the BOH operator on a temporary basis. The Chair indicated she was not comfortable with lending the machine without the operator; the Director had no objections to either option and was authorized to handle the request as he saw fit.
2. Letter of Support for FY'23 MVP Action Grant. **MOTION** by Mr. Weinberg to issue a letter of support from the BOH for the FY 2023 MVP Action Grant for the Let project. Seconded by Ms. Amaral. The motion passed on a 3-0 vote.
3. Francis Estates: Mr. Weinberg reported that the developer felt the O&M and system replacement costs for the shared denite system for the 12-lot development was too expensive and would make the homes unmarketable. The developer proposed preparation of a new plan for individual septic systems on each lot; the lots may have to be reconfigured to meet Title 5 requirements for lot sizes. Mr. Weinberg has recruited a volunteer to help explore options for reducing the capital costs for replacement of a shared system in hopes of convincing the developer not to abandon the shared denite system concept.
4. Set Working Meeting to Discuss the Proposed Combined Septic Regulations: The Chair noted that draft changes to Combined Septic Regulations would be distributed this week for member review. A working meeting at 1:00pm on Monday, May 9, 2022 was scheduled for discussion of this topic.
5. Board Member Updates: Mr. Weinberg noted that work continues on the Climate Resilience Health Subcommittee's assigned topics. Ms. Ryden noted that the Annual Town Meeting is scheduled for 7 p.m. on May 3, 2022 and a BOH meeting has been posted for that time and place.

APPOINTMENTS

4:30pm – MFC Waiver - Continued From 3/21/22: Len Potter for 194 E. Beach Road, Derek Reis, two (2)-Bedroom Repair (10,700 s.f.) with Infiltrator Quick 4.

Mr. Potter reviewed the two-bedroom repair plans and indicated that DEP had endorsed the use of a tight tank at this location. The Director confirmed the DEP endorsement, but indicated that BOH and Conservation Commission approval was still needed.

MOTION by Mr. Weinberg to approve the use of a tight tank at 194 East Beach Road, subject to Conservation Commission approval of the revised plans. The Director is authorized to approve the revised repair plans to be provided by Mr. Potter. Seconded by Ms. Amaral. The motion passed on a 3-0 vote.

4:40pm – Waiver Hearing: Len Potter for 80-C Cummings Lane, Dwayne Hancock, one (1)-Bedroom Repair (10,062 s.f.) Infiltrator Quick 4 SAS.

Mr. Potter reviewed plans to replace the current cesspool serving the one-bedroom summer cottage with a system designed for two bedrooms. Both the site well and abutter's well tests showed nitrates below 5.0.

The waiver is sought for well distances less than 100 feet from the proposed system.

MOTION by Mr. Weinberg to approve the one-bedroom repair plan for 80-C Cummings Lane dated 3/22/22 with conditions including a one-bedroom deed restriction; hold harmless agreement; three years of well testing; and a waiver for well distances of 74 feet for site well and 70 feet to abutter's well. Seconded by Ms. Amaral. The motion passed on a 3-0 vote.

4:50pm – Waiver Hearing: Mark Rodrigues for 161 Gifford Road, Jeff Simons, five (5)-Bedroom Repair (25.000 s.f.) Infiltrator Quick 4 with Singlair.

Mr. Rodrigues reviewed the repair plans, noting the high water table had made it impossible to do a percolation test, so a sieve analysis was used for the calculations.

Mr. Armendo indicated that the plans were in order and the sieve analysis was the only waiver being requested.

MOTION by Mr. Weinberg to approve the five-bedroom repair plan dated 4/2/22 for 161 Gifford Road with conditions including a five-bedroom deed restriction; two years of Total Nitrogen Testing with results reported to the Barnstable County Health Dept. and Conservation Commission approval with a waiver granted for the use of a sieve analysis in lieu of a perc test. Seconded by Ms. Amaral. The motion passed on a 3-0 vote.

5:00pm – Waiver Hearing: Len Potter for 4 Second Street, Patrick Sullivan, two (2)-Bedroom Repair (7,500 s.f.) Infiltrator Quick 4 with AdvanTex.

Mr. Potter reviewed the two-bedroom repair plans, noting a retaining wall will be required for the raised system due to the high water table.

The site well is 46 feet from the tank and neighboring wells are 87 feet from the system; water tests indicated nitrates at 10.63 and the presence of coliform bacteria making the water unsafe for drinking purposes.

After some discussion, Mr. Potter indicated he would not seek a waiver for the site well distance to the tank and would move the tank to increase the distance to the site well to 51 feet to eliminate that issue. A notice of unsafe drinking water will be sent to the property owner.

MOTION by Mr. Weinberg to approve the two-bedroom repair plan dated 8/27/21 for 4 Second Street as a local upgrade approval with conditions including: Conservation Commission approval, a two-bedroom deed restriction, hold harmless agreement, three years of well testing and two years of Total Nitrogen Testing with results reported to the Barnstable County Health Dept. and with upgrade waivers for well distances of 87 feet from abutter wells and 51 feet from site well. Seconded by Ms. Amaral. The motion passed on a 3-0 vote.

TOPICS FOR THE NEXT REGULAR MEETING

None.

TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING

None.

MOTION by Ms. Amaral to adjourn the meeting at 5:37 p.m. Seconded by Mr. Weinberg. The motion passed on a 3-0 vote.

Submitted by Robert Barboza, Recording Clerk

The Special Meeting of the Board of Health convened at 1p.m. with the following members and staff present.

PRESENT: Tanja Ryden, Chairman
Philip M. Weinberg, Vice-Chair
Donna M. Amaral, Secretary
Matthew J. Armendo, Director

CHAIR'S ANNOUNCEMENT

1. Under M.G.L., Chapter 30A, § 20(f): Meeting Being Recorded.

OTHER BUSINESS

1. **Request for Temporary Housing at 663 Division Road.** The Director reported a recent inquiry from the Select Board Office regarding a temporary housing request, which needs to be approved by the BOH after inspection. Steven Mello, 663 Division Road, seeking to use a camper on the premises during home construction.

MOTION by Ms. Amaral to approve the use of temporary housing by Steven Mello, 663 Division Road, for a period of up to five months, conditioned on a successful BOH inspection. Second by Mr. Weinberg. Motion passed on a 3-0 vote.

2. **Consolidated Septic Regulation Discussion.** The Chair opened discussions of the draft Consolidated Septic System Regulations circulated the previous week.

A general discussion of the draft contents included several initial suggestions with Mr. Weinberg suggesting the document begin with a table of contents. Mr. Armendo suggested that language should be added indicating that each day of a violation is a separate offense.

The Chair then initiated a review of the definitions section of the document. Sections B & C in the building regulation definitions are put on hold pending further revision and discussion; there were no changes recommended for the change of use or commercial septic system regulations. Some possible changes in the nitrogen reducing septic system section were suggested for general use, remedial use, and MFC applications. Changes in the language for regulatory floodway, surface water bodies, and surface water boundaries sections were discussed.

Discussion moved to BOH approvals needed for building renovations, expansions and new construction. The Chair indicated the section on building permit renovation applications and approvals needs to be streamlined; the Director recommended that BOH review and approval of plans should be required before any building permit is issued. An inspection of the disposal system may or may not be required, to be determined on a case-by-case basis. The Chair wants the three-year uninhabited period language removed from this section, as it is covered in variance and hearing section. There was general agreement to delete this language.

Discussion moved to septic system location requirements in the bylaw and regulations, including barrier beach and coastal dune area locations. It was noted that replacement or upgrade of systems in place before 1995 are allowed by DEP in resource areas under certain conditions under Title 5;

and that local regulations and Title 5 language differs slightly. No changes proposed for percolation rate standards; recommended change in effective date of cesspool regulations should change to Feb. 1, 2026. Regarding new construction and increase in flow situations, the Chair suggested eliminating the requirement for denitrification systems to only watershed areas; other sensitive areas such as locations abutting salt marsh should be added to the regulations.

Few or no changes in sections covering performance standards, sewer line hook-ups and monitoring requirements were noted. The sewer connection language will be reviewed by Mr. Weinberg after consultation with town planners. Enforcement provisions were quickly reviewed with some sections needing further review at a future meeting. The language declaring each day of non-compliance as a separate violation will be added to the draft. Ms. Ryden will update the draft document for future discussion and review. She noted that recommended changes will need to be aired at a public hearing before they are approved.

3. Tech Charette Discussion. No Discussion

TOPICS FOR THE NEXT REGULAR MEETING

Discussion of canceling the May 30 meeting because of the Memorial Day holiday. A rescheduled date will be set at the May 16 regular meeting.

TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING

MOTION by Ms. Amaral to adjourn the meeting at 3:05 p.m. Seconded by Mr. Weinberg. The motion passed on a 3-0 vote.

Submitted by Robert Barboza, Recording Clerk

The meeting of the Board of Health was called to order by the Chair at the Town Hall Annex at 4:00 pm. with the following members and staff present:

PRESENT: Tanja Ryden, Chair
Philip M. Weinberg, Vice-Chair
Donna M. Amaral, Secretary
Matthew J. Armendo, Director Public Health
Linda Pierce, Public Health Nurs

CHAIR'S ANNOUNCEMENT

1. The Chair announced that under M.G.L., Chapter 30A, § 20(f): the meeting was being recorded. The Chair led the meeting in the Pledge of Allegiance.

PRESENTATION – Linda Pierce, RN

Public Health Nurse Linda Pierce offered a brief presentation on the problem of drug addiction.

She advised residents watching the broadcast that free packages of the opioid overdose reversal medication Narcan (Naloxone) were available to residents at the Board of Health offices. Any person with proof of residency can obtain a two-dose package for themselves or a family member at risk because of opioid abuse by contacting her for an appointment at (508) 636-1030.

Ms. Pierce noted that persons of all ages and background can become opioid abusers with the great majority becoming dependent after being prescribed painkillers. If the drug is not legally available, opioid abusers often turn to illegal alternatives, such as heroin or fentanyl.

She described how substance abuse disorder (SAD) affects the brain's production of dopamine, endorphins and serotonin. In closing, Ms. Pierce noted the availability of the Narcan packages through her office for personal use or concerns about friends and family members without questions or judgement.

She also noted that free COVID rapid test kits were also available to residents at the Public Health Nurse office.

Because of safety concerns, she is advising residents of an appointment-only policy for proper disposal of used syringes at her office. Ms. Amaral suggested the SAD presentation was timely due to May being Mental Health Awareness Month and addiction disorders are often related to other mental health issues.

Ms. Pierce introduced local pastor (Lamb of God Christian Church) and drug addiction recovery coach Mathew Vangel, who explained how to administer Narcan in an emergency situation. He indicated he has worked with local police to counsel overdose victims, offering hope and a chance of recovery through rehabilitation programs and supportive resources.

DIRECTOR OF PUBLIC HEALTH

1. Written Report: No questions.
2. Updates

➤ Board of Health

- Covid Update: The Director reported that as of this date, May COVID statistics include 118 confirmed cases including one reported death among residents, with no current hospitalizations. He noted that more than 80 percent of the cases were identified as Omicron variant infections. As the steady increase in new cases is continuing, the Chair asked members to consider issuing a new mask recommendation for indoor settings. Ms. Amaral agreed that the public should be warned of the spike in new cases in Westport and urged to wear masks while indoors in close proximity to others; Mr. Weinberg had no objection to a public alert in the form of a masking recommendation.
- Pump Reports: No comments.
- Director Approved Plans: 1) 9 Lawrence Ave., Charles Baron, Quick 4/Singular.
2) Horseneck Road, Kathleen MacLean, ARC 36 – no denite (out of watershed).

MOTION by Ms. Amaral to endorse the plan approvals issued by the Director for 9 Lawrence Avenue and Horseneck Road property. Second by Mr. Weinberg. The motion passed on a 3-0 vote.

- **Animal Control:** The Director reported that he is reviewing resumes submitted for the part-time Animal Control Officer position.
- **Transfer Station:** The Director noted the change in policy regarding the compost pile, with the Highway Department now taking the compost produced once again. He felt the change was unfair to the farmers and residents who have had access to the compost produced from their deposits, and indicated he would work on an alternative that would give them some continued access to the material. He reported the continuing failure of a contractor to transport a full tire dumpster as requested; he proposed the tires be moved to a spare dumpster and transported to a disposal site by a transfer station staffer. Until the tires are moved, no further tire disposal will be allowed; the problem should be resolved by the end of the week.

MINUTES

1. May 2, 2022 Regular Meeting. **MOTION** by Ms. Amaral to approve the minutes of the May 2, 2022 regular meeting as presented. Second by Mr. Weinberg. The motion passed on a 3-0 vote.

OTHER BUSINESS

1. May Meeting Schedule – May 30, 2022 BOH Meeting: After some discussion, it was agreed that that May 30 meeting would be canceled and the next regular meeting scheduled for 4:00 p.m. on Monday, June 13, 2022.
2. Board Member Updates:

Mr. Weinberg provided an update on the financial calculations for the maintenance and operation of a centralized denite system for the Francis Estates subdivision. He met with the engineer and legal counsel for the developer and presented the materials for them to review.

Ms. Ryden indicated she had incorporated member comments on the draft Consolidated Septic System regulations and would be distributing the revised documents to members for review.

Ms. Amaral reported that two initial presentations by expert speakers on Mental Health Awareness Month topics had been held so far with positive feedback coming in on those talks. Another presentation is scheduled for Saturday, but may be re-scheduled due to low pre-registration numbers.

APPOINTMENTS

4:30pm – Waiver Hearing: Mark Rodrigues for 1125 State Road, Orcharddale2 Investors, 5 Unit Condo with Office (799.2 gpd) repair, Stone Bed with Non-Denite version Singulair.

Mr. Rodrigues indicated the owners were seeking two waivers for the repair plan for the failed system:

- use of a sieve analysis due to the high water table
- reduction in the required 12 inch separation between inlet and outlet pipes

Space constraints and component placements make it necessary for the separation to be reduced to one and a quarter inches, he explained.

MOTION by Mr. Weinberg to approve the repair plan date 5/25/22 for 1125 State Road with the requested waivers for use of the sieve analysis in lieu of a perc test and for the one and a quarter inch distance between inlet and outlet pipes and with conditions including execution of a hold harmless agreement, and two years of TNT testing reported to the Barnstable County Health Department. Second by Ms. Amaral. The motion passed on a 3-0 vote.

4:40pm – Discussion: Len Potter for 131 Howland Road, Nick Christ for Bedroom Count.

Mr. Armendo indicated that an application for a building permit had prompted an inspection of the 15-room home for a bedroom count. Assessor's records indicate five bedrooms being used, but space calculations reflect the possibility of seven bedrooms. Mr. Potter indicated that the septic system was designed for five bedrooms and his client was not looking to expand the system to accommodate seven bedrooms. Mr. Christ said he was willing to sign a five-bedroom deed restriction in order to expedite the issuing of the building permit for the proposed additional work which he detailed. Both Mr. Weinberg and Ms. Amaral felt the deed restriction would be a good idea, since it would limit the use of the house permanently. Ms. Ryden advocated for a voluntary upgrade to a denitrification system.

MOTION by Ms. Amaral to approve the signing of a five-bedroom deed restriction for 131 Howland Road with language requiring notice to the Board of Health of any change in use or change in ownership. The motion passed on a 3-0 vote.

4:50pm – Waiver Hearing: Len Potter for 1666 Drift Road, Victoria Black, 5-Bedroom Repair with Bottomless Sand Filter & AdvanTex:

Mr. Potter said he was seeking a continuance of at least two weeks to resolve an abutter notification issue and to do a sieve analysis for the Bottomless Sand Filter. He noted design constraints due to the considerable ledge rock and wetlands on the site and reported low nitrate levels (1.6 ppl) in the well test.

MOTION by Ms. Amaral to continue the waiver hearing to 5:00 p.m. on June 13. Second by Mr. Weinberg. The motion passed on a 3-0 vote.

5:00pm – Waiver Hearing: George Ayoub for 69 Union Avenue, Kim Cruz Executor, 3-Bedroom Repair (8,137 s.f.) Infiltrator Quick 4 with Singulair.

Mr. Ayoub reviewed the repair plans, noting the small lot size and space constraints and reporting high nitrates (9.15) in the water test.

He is seeking waivers for the following:

- site well setback, increasing from current 58 f.t to 70.7 ft. vs 100 ft.

MOTION by Mr. Weinberg to approve the three-bedroom repair plan dated 5/5/22 for 69 Union Avenue with a waiver for the site well setback of 70.7 feet and conditions including a three-bedroom deed restriction, three years of well testing, execution of hold harmless agreement and two years of twice-annual total nitrogen testing with results reported to the Barnstable County Health Department. Second by Ms. Amaral. The motion passed on a 3-0 vote.

TOPICS FOR THE NEXT REGULAR MEETING

None.

TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING

None.

MOTION by Ms. Amaral to adjourn the meeting at 5:38 p.m. Second by Mr. Weinberg. The motion passed on a 3-0 vote.

Submitted by Robert Barboza, Recolling Clerk

The regular meeting of the Board of Health was called to order by the Chair at the Town Hall Annex at 4:00 pm. with the following members and staff present:

PRESENT: Tanja Ryden, Chair
Philip M. Weinberg, Vice-Chair
Donna M. Amaral, Secretary
Matthew J. Armendo, Director

CHAIR'S ANNOUNCEMENT

1. The Chair announced that under the provisions of M.G.L., Chapter 30A, § 20(f): the meeting is being recorded.
2. The Pledge of Allegiance was led by the Chair.

DIRECTOR OF PUBLIC HEALTH

1. Written Report – No questions.
2. Update –

➤ Board of Health

- Covid Update – As of June 13, Mr. Armendo reported 42 confirmed cases of COVID-19 among residents in June, with no hospitalizations or deaths.
- Pump Reports – No discussion.
- MassDEP Regulatory Strategy for Estuaries Impaired by Nitrogen – The Chair indicated that Mass DEP is asking communities in southeastern Mass. and Cape Cod to consider strategies for strengthening septic system installation guidelines in the near future.

The two options include requiring nitrogen reducing septic systems for all new construction and all traditional systems upgraded to nitrogen reducing systems within five years. Option 2 would be for communities with waterways having set TMDL goals to develop 20-year “watershed permit” guidelines aimed at reaching those reduction goals.

Ms. Ryden noted that Westport already requires denite systems for new construction, so that might be an easier strategy to adopt; much of the Town falls within the identified watershed zone.

Ms. Amaral noted that the second option would require town meeting action to adopt.

Mr. Weinberg expressed opposition to the first option, suggesting it would be physically impossible to replace the many thousands of traditional septic systems in Westport within a five-year span.

MassDEP is collecting feedback on the proposals and will revise the strategy suggestions in the fall.

- Director Approved Plans:
 - 1) Stacy Lane, sub-lots 7, 8, 9, 10, 11, 12, 13 for Ron Oliveira, Stone Bed/Microfast for all
 - 2) Sodom Road, 60/1E SL-0; Josh Brien, Quick 4/Microfast
 - 3) 64 Old Harbor Road, Wayne Turner, Stone Bed

- 4) 60 Davis Road, Debra Lambert, Quick 4
- 5) 298 Highland Ave., Joseph Rodrigues, Stone Bed
- 6) 10 Legacy Ln 18/10 SL-3, Quick 4
- 7) Pine Hill Rd 38/13A, James Collins Arc 36/Singulair.

MOTION by Ms. Amaral to endorse the Director's approvals of plans for 1) Stacy Lane lots; 2) Sodom Road lot; 64 Old Harbor Road; 4) 60 Davis Road; 5) 298 Highland Avenue; 6) 10 Legacy Lane; and 7) Pine Hill Road lot; as identified above, with the Director's recommendations for attached conditions and deed restrictions. Seconded by Mr. Weinberg. The motion passed on a 3-0 vote.

- Animal Control – The Director indicated he is continuing to advertise the part-time ACO position and review applications. He reported that he is exploring possible mutual aid agreements for weekend ACO coverage with some surrounding communities.
- Transfer Station – Mr. Armendo indicated all is operating smoothly and reported that the new service shed is scheduled for delivery on July 5. The old shed will be moved and the site prepped for the new building. He noted a new vendor is allowing single-stream plastic recycling, cutting down on the number of collection bins; sorting may still be needed at times, depending on the disposal site.

MINUTES

1. May 09, 2022 spcl. **MOTION** by Ms. Amaral to approve the minutes of the May 9, 2022 special meeting of the Board of Health as presented. Second by Mr. Weinberg. The motion passed on a 3-0 vote.

OTHER BUSINESS

1. Letter of Support Barnstable County Grant – The Chair indicated that Barnstable County was proposing to develop a management entity for testing I/A systems and reporting data and was seeking letters of support for a grant application to help accomplish that goal. **MOTION** by Ms. Amaral to send a letter of support for the Barnstable County grant application. Seconded by Mr. Weinberg. The motion passed on a 3-0 vote.
2. Consolidated Septic Regulation Draft Discussion – Members reviewed the latest draft of the proposed Consolidated Septic Regulations; after some discussion, it was decided that further revisions are needed and the scheduling of a public hearing on the potential changes will be postponed until those changes are made and discussed.
3. 429 Old County Road – Unfit for Human Habitation. The Public Health Director reported the issuance of a certified letter to the owner of 429 Old County Road, declaring the premises to be Unfit for Human Habitation because of possible sanitary code violations reported to the BOH by emergency services personnel. After viewing the premises, the Director immediately issued the declaration that the house was unfit for habitation. The director was asked to try to contact the hospitalized occupant of the house to advise them of the order.
4. Annual Appointments. **MOTION** by Ms. Amaral to re-appoint the following staff members for Fiscal Year 2023, through July 1, 2023. Dr. Dennis Callen as Medical Advisor; Bernadette Oliver as Burial Agent/Special Agent; Jonathon H. Potter Jr. as Burial Agent; Shane D. Erickson Potter as Burial Agent; Diane Heath as Special Agent for Tobacco Inspector; and Megan DaCosta as Special

Agent for Part-Time Tobacco Inspector. Seconded by Mr. Weinberg. The motion passed on a 3-0 vote.

5. Board Member Updates – Ms. Amaral noted that she had watched the recording of the recent South Watuppa Pond task force meeting and was reviewing the written summary of that meeting.

Ms. Ryden noted that this month's newspaper column focused on Transfer Station fee increases and changes in operations.

Mr. Weinberg, Chair of the Climate Resilience Committee's Health subcommittee, reported that he had prepared a memo on dealing with extreme heat events for the subcommittee. He suggested the memo could be adapted for the next newspaper article and for posting on the website; he noted that the senior center is already designated as a public cooling station.

APPOINTMENTS

4:40 pm – Waiver Hearing: George Ayoub for 24 Crane Ave., Joseph Raposa, 2-Bedroom Repair with Quick 4 & Singulair, lot size 18,150sf.

Engineer George Ayoub gave a presentation of repair plans for 24 Crane Avenue, a small lot with a failed cesspool.

The well test showed nitrates of 5.65 p/ml, so he is proposing to use Quick 4 and Singulair components for the new system.

He said his client is seeking waivers for the following:

- Well setback of 51.1 feet vs. 100 feet.
- Separation from the foundation of 8.3 feet vs. 20 feet.

The Director recommended approval, indicating that the setback distance issues cannot be eliminated because of site conditions.

MOTION by Ms. Amaral to approve the two-bedroom repair plans dated 5/11/22 for 24 Crane Avenue with Local Upgrade waivers of separation between system and foundation of 8.3 feet and separation between system and site well of 51.1 feet. Conditions including a two-bedroom deed restriction, delivery of an operating and maintenance agreement, two years of Total Nitrogen Testing twice annually with results reported to the Barnstable County Health Department, execution of a hold harmless agreement and three years of annual water testing for the site well. Seconded by Mr. Weinberg. The motion passed on a 3-0 vote.

4:50 pm – Appeal Hearing for Chapter 2 Violation: Atty. Matthew Aspden for 52 Greenfield Road, Dylan Aspden.

Atty. Matthew Aspden is representing his son Dylan Aspden to address the violation and appeal the time limit for resolution of the issue. The attorney said his son was requesting 30 days to clean up the debris that was removed from the house and was being stored outside. A closing is scheduled for next week, giving Mr. Aspden the funding needed to order the dumpster, remove the debris and begin renovations and repairs.

The Director said he would support a 30-day limit on compliance. Ms. Amaral made it clear that the BOH was responding to neighborhood complaints about the debris. Ms. Ryden asked for a date specifying the time limit for removal of the debris from the premises. Mr. Weinberg suggested a dumpster contract be provided within two weeks.

MOTION by Ms. Amaral to grant Dylan Aspden a four-week extension of the cleanup and removal compliance order for 52 Greenfield Road, expiring July 11, 2022. Seconded by Mr. Weinberg. The motion passed on a 3-0 vote.

5:00 pm – Waiver Hearing: Len Potter for 11 Beach Road, Hugh Buchanan, 1-Bedroom Repair with a Tight Tank, Lot size 18,624sf.

Grant Buchanan, the owner's son, was present to answer questions about the number of bedrooms in the house.

Mr. Potter reviewed the plans to replace the cesspool with a two-bedroom system consisting of a 2,000-gallon tight tank, pump chamber and associated piping. He indicated that the tight tank was the best option for site conditions and separation from wetlands, an opinion supported by the Director.

Mr. Buchanan indicated the Assessors records were incorrect and the property had been a two-bedroom home since the 1970s. The Director noted that grandfather protection did not apply to state sanitary code deficiencies and the second bedroom did not meet minimum space requirements under the code.

MOTION by Mr. Weinberg to approve the repair plan for 11 Beach Road dated 5/10/22 for a 2,000-gallon tight tank, limiting the decision on the two-bedroom count to compliance with Title 5; with conditions including a two-bedroom deed restriction, execution of a hold harmless agreement, and filing of a two-year pump contract. Seconded by Ms. Amaral. The motion passed on a 3-0 vote.

5:10 pm – Waiver Hearing Cont'd from 5/16/22: Len Potter for 1666 Drift Road, Victoria Black, 5B Repair with Bottomless Sand Filter and Advantex, Lot size 481,774sf.

Mr. Potter was present, representing the owner and reviewed a five-bedroom repair plan revision based on previous Board input.

He indicated his client was seeking waivers for the following:

- System distance to the property line, 6 ft. vs. 10 ft.
- System distance to the property line, 8 ft. vs. 10 ft.
- Distance to the site well, 52 ft. vs. 100 ft.
- Use of a sieve analysis in lieu of perc test.

The siting puts the system 53 feet from wetlands, he indicated. The Director indicated his satisfaction with the plan revisions, offering good distance from the wetlands and more than 50 feet from the well.

Abutter Clement Van Buren was present and asked several questions including the system's distance from his well; Mr. Potter reported the distance to be 135 feet.

MOTION by Mr. Weinberg to approve the five-bedroom repair plan for 1666 Drift Road dated 6/6/22, with local upgrade waivers for use of sieve analysis, separation distances for system components of six and eight feet, and separation from site well of 52 feet. Approval conditions include Conservation Commission approval; execution of hold harmless agreement; three years of site well testing; and two years of twice-annual Total Nitrogen Testing with results reported to the Barnstable County Health Department. Seconded by Ms. Amaral. The motion passed on a 3-0 vote.

TOPICS FOR THE NEXT REGULAR MEETING

None.

TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING

None.

MOTION by Ms. Amaral to adjourn the meeting at 5:27 p.m. Seconded by Mr. Weinberg. The motion passed on a 3-0 vote.

Submitted by Robert Barboza, Recording Clerk

The regular meeting of the Board of Health was called to order by the Chair at the Town Hall Annex at 4:05 pm. with the following members and staff present:

Present: Tanja Ryden, Chair
Philip M. Weinberg, Vice-Chair
Donna M. Amaral, Secretary
Matthew J. Armendo, Director Public Health

CHAIR'S ANNOUNCEMENT

1. Under M.G.L., Chapter 30A, § 20(f): Meeting Being Recorded
2. Pledge of Allegiance

PUBLIC HEALTH NURSE PRESENTATION- Linda Pierce

Mosquito, Tick & Sun Safety

With Ms. Pierce being unavailable for the meeting, Ms. Amaral presented a talk on Mosquito, Tick & Sun Safety prepared by the Public Health Nurse.

It was noted that ticks are active for much of the year, but are most active in warm weather with their bites bringing the threat of a number of different diseases including Lyme Disease.

Residents are urged to wear protective clothing and insect repellent when outdoors and do a complete body check for ticks when done with outdoor activities. The same protective measures – protective clothing and insect repellent – are effective deterrents for mosquitos, which also carry the threat of different diseases, including EEE.

Property owners are asked to limit wet breeding areas for mosquitos to help limit their numbers. Sun safety precautions should be taken when there are extreme heat conditions, considered to be three consecutive days with temperatures above 90 degrees.

Children and pets should never be left unattended in hot vehicles.

To avoid the risk of melanoma or skin cancer, use of sunscreen and protective clothing and hats is encouraged whenever prolonged exposure to direct sun is expected. Ms. Amaral noted that in extreme heat and direct sun conditions, especially during peak exposure hours (10 a.m. to 4 p.m.), it is important for people to stay hydrated and avoid prolonged physical labor.

Ms. Amaral advised cable viewers that free Narcan doses were still available to residents from the Public Health Nurse's Office and police and fire stations. Mr. Armando reported that COVID test kits were scheduled to arrive this week and will be available to residents at the Health Department. He noted that 2,880 kits have been ordered and there are two tests per kit.

DIRECTOR OF PUBLIC HEALTH

1. Written Report: No questions.
2. Update

➤ Board of Health:

- Covid Update – The Director reported 85 confirmed cases among residents so far in June with no hospitalizations or deaths due to COVID infections. The Chair noted that federal officials have approved a COVID vaccine for children five and under, which is now available for distribution. Mr. Armendo noted that the new vaccine is available at Westport Apothecary for children three to five years of age; for children under three years old, a pediatrician visit is recommended.
- Pump Reports – Nothing unusual reported.
- Director Approved Plans:
 - 1) 225 Sodom Rd, 3B Repair w/ Infiltrator Quick 4
 - 2) 33 Katelyn Ct, 4B Emergency Repair w/ Presby
 - 3) Pine Hill Rd, Workshop NC w/Arc 36 & Singulair
 - 4) 188 Davis Rd, 5B Repair w/ Presby
 - 5) 25 Thomas St., 4B Repair w/ Infiltrator Quick 4

MOTION by Mr. Weinberg to endorse the Director's approval of plans for 225 Sodom Road; 33 Katelyn Court; Pine Hill Road lot; 188 Davis Road; and 25 Thomas Street with the deed restrictions and denitrification system reporting requirements recommended by the Director. Seconded by Ms. Amaral. The motion passed on a 3-0 vote.

- The Director reported on the seasonal problem of mobile food trucks seeking last-minute BOH permits for local events. He stated that applications should be filed 30 days prior to the event with a two-week window needed for BOH inspections. Mobile unit owners must also contact the Fire Dept. directly to set up an inspection of their propane and hood system. He stated that local businesses should also inform their vendors of the protocol to ensure they will be able to attend the event. He noted the BOH has made every effort to accommodate applicants, but the problem continues. Mr. Weinberg suggested that the department contact past permit holders in April or May to remind them of the 30-day policy.
- Animal Control – The Director reported business as usual. He continues to negotiate mutual aid agreements with neighboring towns for weekend coverage. He indicated receipt of some Assistant ACO applications, but no suitable candidates yet for the post.

Ms. Ryden noted that an increase in dead seabirds is being reported in the region, due to the spread of the avian flu virus. Residents are urged to avoid sick, injured or dead birds even though the virus is rarely transmitted to humans. Reports of dead or sick birds should be reported to Mass Wildlife by calling (508) 389-6300 for pick-up and proper disposal. Mr. Armendo indicated that warning notices and Mass Wildlife contact information have been posted throughout the Town.

- Transfer Station – The Director indicated that the delivery of the new transfer station shed is still expected for July 5. Interior finish work is expected to be done in mid-July and occupancy by the end of the month is hoped for. The drop-off route through the facility will change temporarily while the new quarters are being prepared. It was noted that the annual use stickers are needed as of July 1 and the new fee schedule will take effect on that date.

The Chair noted that as of June 15, the State Dept. of Environmental Affairs has declared a Level 2 Drought Warning, considered a significant drought condition where outdoor water use should be limited.

MINUTES

1. May 16, 2022 spl.
2. June 13, 2022 reg.

Ms. Amaral asked for an amendment to the minutes of the June 13, 2022 meeting indicating that in the case of 1666 Drift Road, the motion was made by Mr. Weinberg and seconded by Ms. Amaral and passed on a 3-0 vote.

MOTION by Ms. Amaral to approve the minutes of the May 16, 2022 special meeting as submitted and to amend the minutes of the June 13, 2022 regular meeting as noted above. Seconded by Mr. Weinberg. The motion passed on a 3-0 vote.

OTHER BUSINESS

1. Barnstable Fee Waiver Expiration – The Chair noted that the grant paying for the \$50 per year management fee for reporting denitrification system test data to the Barnstable County Health Department has expired and property owners will now be responsible for the testing and reporting costs.
2. Proposed Consolidated Septic Regulation – The Chair reviewed the latest revisions to the proposed consolidated regulations with members discussing potential further revisions.

MOTION by Ms. Amaral to approve the latest revision to section 6B of the Consolidated Septic Regulations document for advertisement and a public hearing. Second by Mr. Weinberg. The motion passed on a 3-0 vote. ~~“The Chair asked Mr. Weinberg to prepare a summary of the general changes in the new regulations for the hearing.”~~ (See amendment below) Ms. Ryden noted that the biggest change in the consolidated regulations was the proposed requirement for denitrification systems for all new construction, not just in watershed areas. It was decided that the public hearing would be scheduled for 4 p.m. on Monday, Aug. 15, 2022 and be held virtually.

Amendment to motion as voted at the July 11, 2022 regular meeting: “The Chair will be preparing the summary of the document for the upcoming public hearing.”

3. Board Member Updates – None.

APPOINTMENTS

4:30 pm – Hearing for O&M Non-Compliance: Edward Machado, 935 American Legion Hwy.

As Mr. Machado or a representative was not present, this item was passed over. Mr. Armendo noted that the BOH has still not received a copy of the O & M agreement and he will file a new request with the consulting engineer for that information.

4:40 pm – Discussion: Len Potter, 194 E. Beach Road, Derek Reis, 2 Bedroom Repair with Title 5 Conventional Septic System in Lieu of a Tight Tank Septic System.

Mr. Potter noted that the Board had previously rejected plans for a traditional septic tank installation for the coastal barrier beach site, but approved plans for a tight tank installation.

He was seeking to have the initial plan formally denied so his client could appeal the decision to DEP or Superior Court. Mr. Potter believes that an in-ground septic tank should be allowed because of the presence of a septic system (cesspool) since the 1950s, before Title 5 was in effect. Mr. Weinberg stressed that the regulations allow replacement of an existing septic tank if it is elevated out of the velocity zone; confirmation of the cesspool's use proves there was never a septic tank on the site.

Mr. Reis told the Board he did not want to install a tight tank and was willing to elevate the system if allowed. Mr. Armendo indicated he could not offer an opinion on use of an elevated system until a revised plan was presented by the applicant.

Mr. Potter said he would file a new plan, and withdrew his request that the initial application for an in-ground system be formally denied.

Ms. Ryden announced that the request for a formal denial was considered withdrawn.

4:50pm – Stable Hearing: Applicants-Karen & Hanna Cathryn Burnes at 1286 Drift Rd., for 5 Equines.

Mr. Armendo reported that the abutters were properly notified of the public hearing. Ms. Karen Burnes indicated there are currently two ponies on the property and a three-stall shed was planned to house three retired show horses now being stabled in Little Compton. The women are seeking a stable permit for five equines and will maintain the same manure management plan with offsite disposal.

Mr. Armendo said a recent site inspection showed the existing stable was in good order and recommended approval of the five equine permit.

Ms. Ryden noted that an annual water test would be required for that number of horses.

The resident of 1296 Drift Road asked about setbacks from property lines for the proposed horse shed;

The neighbor John Raposa of 1298 Drift Road asked about the size of the proposed building and the possible impact of additional animals on property values.

Mr. Weinberg referred him to the Right to Farm bylaw for more information.

Louis Prior of 1289 Drift Road asked what impact the animals might have on traffic safety in the neighborhood.

MOTION by Mr. Weinberg to approve the five equine permit for 1286 Drift Road with conditions including the fencing of the field where the new shed will be located and continuance of the manure management plan for off-site disposal of waste. Second by Ms. Amaral. The motion passed on a 3-0 vote.

TOPICS FOR THE NEXT REGULAR MEETING

None.

TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING

None.

Mr. Armendo concluded the meeting by recognizing the extraordinary efforts of the BOH, Transfer Station and Animal Control staff during the past fiscal year. He stated that between the impact and continued impact of the pandemic and staffing shortages that all staff members had to contributed extra effort during the last 12 months and continue to do so now.

MOTION by Ms. Amaral to adjourn the meeting at 5:44 p.m. Second by Mr. Weinberg. The motion passed on a 3-0 vote.

Submitted by Robert Barbosa, Recording Clerk

The regular meeting of the Board of Health was called to order by the Chair at the Town Hall Annex at 4:00 pm. with the following members and staff present:

PRESENT: Tanja Ryden, Chair
Philip M. Weinberg, Vice-Chair
Donna M. Amaral, Secretary
Matthew J. Armendo, Director Public Health

CHAIR'S ANNOUNCEMENT

1. Under M.G.L., Chapter 30A, § 20(f): Meeting Being Recorded
2. Pledge of Allegiance

DIRECTOR OF PUBLIC HEALTH

1. Written Report: No questions.
2. Updates

➤ **Board of Health:**

- **Covid Update** – The Director reported 17 confirmed cases among residents so far in July with no hospitalizations or deaths due to Covid infections. June ended with 96 confirmed cases among residents with no hospitalizations or deaths due to Covid. It was noted that the department has a number of Covid test kits, which residents can obtain at no cost at the Board of Health office or by calling (508) 636-1030. They are also available to residents at the Council on Aging and the public library, while supplies last.
- **Pump Reports** – Nothing unusual reported.
- **Director Approved Plans:**
 - 1.) 562 Sanford Road Repair, 4B, 39,204sf, Stone Bed
 - 2.) Main Road 55/29(4), 64,923sf, 4B NC with a Quick 4 and Microfast
 - 3.) 34 Christopher Circle, 30,360sf, 3B Repair with a Quick 4
 - 4.) Fisher Road 41/17A(1), 61,480sf, 4B NC with a Quick 4 and Microfast
 - 5.) Fisher Road 41/17A(3), 61,065sf, 4B NC with a Quick 4 and Microfast
 - 6.) 1280 Drift Rd, 2Ac, 5B Repair with Leach Trench and AdvanTex.

MOTION by Ms. Amaral to endorse the approvals of the Director with the conditions as noted on the submitted list and specifying there were no fee waivers for the required testing and reporting obligations. Second by Mr. Weinberg. The motion passed on a 3-0 vote.

(As discussed at 8/8/2022 meeting, Amendment to Director Approved Plans

MOTION: 562 Sanford Road approval is subject to a Deed Restriction Recording and 1280 Drift Road Approval subject to Conservation approval.)

- Mr. Armendo reported that the \$300,000 grant from the Mass. DPH has been approved. He believes the grant will be an annual award as long as the six communities involved continue their shared services arrangements. He will be attending a July 18 meeting with representatives of the five other towns and a State DPH liaison assigned to assist the project to start assessing needs and developing an action plan for sharing services.

- **Animal Control** – Mr. Armendo reported no new applications for the part-time ACO position, which still leaves the Department without weekend coverage every other weekend. He is continuing dialogue with Animal Control Departments in surrounding communities seeking mutual aid agreements for emergency weekend coverage. Ms. Amaral asked the Director to prepare a clear definition of what would constitute an emergency requiring a weekend call for mutual aid.
- **Transfer Station** – The Director reported that the building phase is completed and electrical work is ongoing. He hopes to have the interior work (sheetrock, flooring, etc.) completed by the end of the month.

Mr. Armendo also noted an issue with some vendors raising prices or adding fuel surcharges to their fees. He reported that it now costs the Department \$20 to dispose of a smoke detector, and suggested the BOH considering charging fees for disposal of such items requiring special disposal procedures. He will prepare a proposal for adopting some special item disposal fees for discussion at a future meeting.

MINUTES

1. June 27, 2022 regular meeting. Mr. Weinberg asked for deletion of an item under Other Business indicating that he had been assigned to prepare a summary of the major elements of the Consolidated Septic System Regulations; he is not doing that task. Ms. Ryden asked for an amendment of the minutes indicating she would prepare the summary of the document for the upcoming public hearing.

MOTION by Ms. Amaral to approve the minutes of the June 27, 2022 meeting as amended by the Chair. Second by Mr. Weinberg. The motion passed on a 3-0 vote.

OTHER BUSINESS

1. Transfer Station Compost Policy – The Director indicated that residents continue to ask for small quantities of free mulch stored at the Transfer Station with the bulk of the material taken by the Highway Department as needed. He suggested that resident access continue to be limited to small quantities and no commercial access be allowed. The Highway Department will still be allowed access as needed. Mr. Armendo was asked to draft an official policy statement for the Board to review and vote on.
2. July 25th Meeting – There was some discussion about canceling or rescheduling the planned July 25 regular meeting. It was decided that the Director could call for a rescheduled date if pressing business required Board action before the Aug. 8 meeting.
3. Board Member Updates – Mr. Weinberg reported that his Health Notes column on dealing with extreme heat events was published in the local newspaper. Ms. Amaral suggested that an upcoming Health Notes topic should address the topic of prevention of gun violence as a public health concern and mental health issues that often contribute to gun violence. She volunteered to author the column.

APPOINTMENTS

4:30pm – Waiver Hearing: Kevin Silva for 78 Conserve Avenue, Rodrigo Sobral, 3-Bedroom Repair w/ Presby System, 19,200s.f.

Mr. Silva was present, representing the owners and reviewed the three bedroom repair plan for replacement of the cesspool.

He indicated the owners sought waivers for setback as follows:

- property line
- separation from the foundation
- separation from the water table
- use of a sieve analysis
- setback from the “paper road” abutting the property

Mr. Armendo questioned the likelihood of the road ever being improved or paved.

Because of the short distance to the property line, Ms. Ryden suggested that the property owner discuss the siting of components with the abutter before the project gets underway. Because of the small lot, she also recommended a three-bedroom deed restriction be made a condition of the approval.

MOTION by Mr. Weinberg to approve the three-bedroom repair plan dated 6/1/22 for 78 Conserve Avenue as a Local Upgrade with waivers for separation from basement at 11.9 feet, setback from street at 5.0 feet, groundwater separation of 2.0 feet use of a sieve analysis. Conditions to include a three-bedroom deed restriction and compliance with the I/A notes for components. Second by Ms. Amaral. The motion passed on a 3-0 vote.

4:40pm – Waiver Hearing: Mark Rodrigues for 2015 Main Road, ANC Nominee Realty Tr, 4-Bedroom Repair with Infiltrator Quick 4 and Singlair, 50,413s.f.

Engineer Mark Rodrigues was present, representing the owners of 2015 Main Road.

He reviewed the four-bedroom repair plans for the TNT system proposed and asked for a waiver as follows:

- use of a sieve analysis.

He noted that all wells are over 100 feet from the proposed system and the system is 127 feet from the river.

The Director indicated he had no issues with the plans.

MOTION by Ms. Amaral to approve the four-bedroom repair plans for 2015 Main Road, dated 6/20/22, conditioned on Conservation Commission approval and compliance with I/A system testing twice a year with results reported to the Barnstable County Health Department. Approval includes a waiver for the use of a sieve analysis. Second by Mr. Weinberg. The motion passed on a 3-0 vote.

4:50pm – Waiver Hearing: Len Potter for 2040 Main Road, Ann Harrer, 4-Bedroom Repair w/ Bottomless Sand Filter and AdvanTex, 9,199s.f.

Engineer Len Potter was present to review the four bedroom repair plans for 2040 Main Road, a small lot that abuts the river.

He is proposing to replace the cesspool with an AdvanTex unit and a bottomless sand filter with waivers as follows:

- separation distance to the basement wall (7.0 feet)
- use of a sieve analysis

MOTION by Ms. Amaral to give Local Upgrade approval to four-bedroom repair plans dated 7/5/22 for 2040 Main Road with waivers for distance separation to basement foundation of 7.0 feet and use of a sieve analysis. It was noted that the AdvanTex spec sheet requires quarterly testing for the first year, and twice annual testing in subsequent years. Conditions include execution of hold harmless agreement, Conservation Commission approval, filing of an Operating & Maintenance agreement, four-bedroom deed restriction and test reporting as required to be delivered to the Barnstable County Health Department. Second by Mr. Weinberg. The motion passed on a 3-0 vote.

TOPICS FOR THE NEXT REGULAR MEETING

None. If needed, a date for the canceled July 25 meeting will be announced.

TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING

None.

MOTION by Ms. Amaral to adjourn the meeting at 4:57 p.m. Second by Mr. Weinberg. The motion passed on a 3-0 vote.

The regular meeting of the Board of Health was called to order by the Chair at the Town Hall Annex at 4:00 pm. with the following members and staff present:

PRESENT: Tanja Ryden, Chair
Philip M. Weinberg, Vice-Chair
Donna M. Amaral, Secretary
Matthew J. Armendo, Director

CHAIR'S ANNOUNCEMENT

1. The Chair announced that under the provisions of M.G.L., Chapter 30A, § 20(f) the meeting was being recorded.
2. The Pledge of Allegiance was led by the Chair.

PUBLIC HEALTH NURSE PRESENTATION - Linda Pierce

JUVENILE ARTHRITIS:

The Public Health Nurse presented a talk on Juvenile Arthritis, an autoimmune disorder where a virus causes inflammation that attacks body joints.

The onset of the disease is typically before age 18, but may be detected as early as age 2. Ms. Pierce described the most common symptoms of the disease, and the diagnosis methods used by medical professionals. Treatment methods include a limited diet, regular exercise and pain control with NSAIDS.

Ms. Pierce also noted that the Board of Health is planning a blood drive at the old high school on October 20, with details on appointments available on the BOH web page.

She also provided 2021 data on drug overdose incidents with 350 overdoses reported between January and December, resulting in 28 deaths. She reminded broadcast viewers that free Narcan drug reversal kits are available free to residents at the BOH Office or by calling (508) 636-1030.

Free COVID test kits are also available to residents at the BOH Office while supplies last. Due to the recent surge in COVID cases, she urged residents to continue wearing masks when in crowded public spaces to reduce the risk of infection.

DIRECTOR OF PUBLIC HEALTH

1. Written Report: No questions.
2. Update
 - Board of Health
 - Covid Update: Director of Public Health Matthew Armendo reported 95 confirmed cases in July, with one resident hospitalized and one resident death reported. As of Aug. 8, there were 19 confirmed cases among residents this month.
 - Pump Reports: No issues.

- Director Approved Plans:
 - 1.) 294 River Road, Kamionek, 6B-NC, Quick 4 w/ AdvanTex
 - 2.) Drift Road 57/56A, Cueni, 4B-NC, ARC 36 w/ Singulair
 - 3.) Hidden Glen Lane, 52/35 sl-1, Salibi, 4B-NC, Quick 4 w/ Singulair
 - 4.) 77 Watuppa Road, Pettanati, 4B-Repair, Quick 4 (158,503sf)
 - 5.) 252 American Leg. Hwy, Field, 2B-Repair, Stone Bed (21,780sf)
 - 6.) 66 Forge Road, Costa, 3B-Repair, Stone Bed (19,725sf)
 - 7.) 135-M&163 Cadman's Neck, Dubois, 2B-Upg, Trench w/ MicroFAST (27,616sf)
 - 8.) Sycamore Lane, Roberge, 4B-NC, Cultec

MOTION by Mr. Weinberg to endorse the Director's approval of plans for: 1) 294 River Road; 2) Map-57/Lot-56A Drift Road; 3) Map-52/Lot-35 Hidden Glen Lane; 4) 77 Watuppa Road; 5) 252 American Legion Highway with a two-bedroom deed restriction; 6) 66 Forge Road with a three-bedroom deed restriction; 7) 135-M & 163 Cadman's Neck with a two-bedroom deed restriction and 8) Map-61/L-17T, Sycamore Lane; with two years of two times per year Total Nitrogen Testing, results to be reported to the Barnstable County Health Department where required. Second by Ms. Amaral. The motion passed on a 3-0 vote.

- Animal Control: The Director indicated that the assistant ACO position remains unfilled and applications are still being sought.
- Transfer Station: The Director reported that the interior finish work continues and the new office should be finished in about two weeks. He also reported that a new sign has been ordered for the recycling area, where issues continue with trash being dumped in recycling bins. He noted that the staff may have to start enforcing fines and suspensions as allowed by transfer station regulations, but he is reluctant to take that step. Staff will endeavor to assist residents using the recycling area as a first step towards resolving the problem; more signage will also be considered.

MINUTES

1. July 11, 2022 Regular Meeting Minutes. Ms. Amaral noted that there was no attached list for Director Approved Plans as mentioned in the minutes and asked that the mention of the attached list be deleted.

She also asked for an amendment mentioning a four-bedroom deed restriction on plans for 562 Sanford Road and conditioning the Drift Road permit on Conservation Commission approval of the plans.

Regarding Board member updates, she asked that gun ownership be deleted from the list of possible topics, substituting "gun violence as a public health concern" as the primary topic.

Another amendment, regarding discussion of weekend emergency calls, the words "by the police department" are to be deleted. Mr. Armendo noted that the City of Fall River has made a verbal commitment to answering emergency calls in Westport on uncovered weekends.

MOTION by Ms. Amaral to approve the minutes of the July 11, 2022 Regular Meeting as amended above. Second by Mr. Weinberg. The motion passed on a 3-0 vote.

OTHER BUSINESS

1. Drought Discussion: The Director noted that severe drought conditions continue throughout most of the state, including Southeastern Massachusetts. Residents are being urged to reduce water use and conserve water supplies as much as possible during the drought season. A number of reports of dry wells have come into the BOH office.
2. Request to Schedule Working Meeting: Mr. Weinberg suggested a work session to discuss the DEP's proposed options for new watershed regulations and cesspool replacement schedules. He noted it would be impossible for Westport to replace thousands of cesspools in the proposed time frame and suggested a priority list might be needed to speed up a program in the most critical areas. After some discussion, the Director was asked to poll members on potential dates.
3. Preparation for 8/15/22 Public Hearing: The Chair reported that the proposed changes in septic system regulations are posted on the BOH web page and a PowerPoint presentation is planned for the public hearing. The format will include taking verbal comments from residents and interested parties for review and discussion at a later date. She noted that written comments will be accepted by the Board through August 17.

4. Board Member Updates:

Mr. Weinberg suggested in-depth discussion of a response to the DEP watershed plan proposals needs to take place. He mentioned a variety of concerns he would like DEP officials to address at a planned August 16 meeting. The primary concern is how Westport would try to implement DEP timetables requiring over 1,000 cesspool replacements per year over a five-year period; roughly ten times the current annual rate of septic system installations in town. Such an aggressive schedule would require the BOH to add staff, data management capability and, also, require a significant commitment of community resources.

Mr. Weinberg also reported on a site visit with a health agent to a Drift Road property with a composting operation. It was discovered that fish gurry was being deposited there and was causing odor problems; the acceptance of fish gurry at the site has stopped as it is prohibited by health regulations.

APPOINTMENTS

4:30pm – Waiver Hearing: Len Potter for 3 Hurricane Lane, Craig Hopkins, 5-Bedroom Repair with Infiltrator Quick 4 (13,503s.f.).

Mr. Potter reviewed the five-bedroom repair plan for the summerhouse with a failed system.

His client is seeking waivers due to the small size of the lot. The waivers are:

- the system setback to the foundation (less than 10 feet)
- setbacks from roadway-Remington Ave.-8.7 feet

- setback from roadway-Hurricane Lane-8.5 feet

MOTION by Mr. Weinberg to approve the five-bedroom repair plan dated 6/30/22 for 3 Hurricane Lane with conditions including a five-bedroom deed restriction; Conservation Commission approval; a Hold Harmless Agreement; with upgrade waivers for the building setback and road setbacks. Second by Ms. Amaral. The motion passed on a 3-0 vote.

4:40pm – Waiver Hearing: Wendy Henderson for 292 Brayton Point Road, George & Marcia Holster, 3-Bedroom Repair with Infiltrator Quick 4 and Singlair (28,048s.f.).

Ms. Henderson reviewed the three-bedroom repair plans and noted that no additional flow was planned.

Her client is seeking a waiver for:

- 7.0-foot setback from the southern property line.

MOTION by Mr. Weinberg to approve the three-bedroom repair plan dated 6/27/22 for 292 Brayton Point Road with conditions including two years of Total Nitrogen Testing twice a year with results reported to the Barnstable County Health Department; a Hold Harmless Agreement; a three-bedroom deed restriction; and a local upgrade waiver for the 7.0 foot property setback. Second by Ms. Amaral. The motion passed on a 3-0 vote.

4:50pm – Waiver Hearing: Mark Rodrigues for 33 E. Briggs Road, Kathleen Vincent Life Est., 3 Bedroom Repair with Bottomless Sand Filter and AdvanTex (8,927s.f.).

Mr. Rodrigues reviewed the three-bedroom repair plan for 33 East Briggs Road, indicating his client was seeking waivers for:

- use of a sieve analysis
- setbacks to north and west property lines-±6 feet for each line
- the setback for the AdvanTex unit to the site well-44 feet
- the setback for the SAS to abutter's well-67 feet
- the setback for the SAS to site well-50 feet

Mr. Armendo indicated he has sought guidance from DEP on the well setback questions and is awaiting a response.

MOTION by Mr. Weinberg to approve the three-bedroom repair plan dated 7/22/22 for 33 East Briggs Road with local upgrade waivers for use of sieve analysis; and setbacks from site well and abutter's well subject to DEP approval. Conditions include three years of well testing; hold harmless agreement; two years of bi-annual Total Nitrogen Testing with results reported to the Barnstable County Board of Health. Second by Ms. Amaral. The motion passed on a 3-0 vote.

TOPICS FOR THE NEXT REGULAR MEETING

None.

TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING

None.

MOTION by Ms. Amaral to adjourn the meeting at 5:28 p.m. Seconded by Mr. Weinberg. The motion passed on a 3-0 vote.

Submitted by Robert Barboza, Recording Clerk

The Special meeting of the Board of Health was called to order by the Chair at the Town Hall Annex at 4:08 pm. with the following members and staff present:

PRESENT: Tanja Ryden, Chair
Philip M. Weinberg, Vice-Chair
Donna M. Amaral, Secretary
Matthew J. Armendo, Director

**PUBLIC HEARING: FOR PROPOSED CONSOLIDATED SEPTIC REGULATION TITLED:
“WESTPORT LOCAL SEPTIC REGULATION”**

The Chair opened the Board of Health Public Hearing on the drafted proposal of a combined septic regulation titled “Westport Local Septic Regulation” by outlining the procedure to be followed.

She began with an overview of the proposed regulation, highlighting the areas of change from the current various septic regulations. The Board will then take technical questions from the audience on each section of the draft regulation in turn. The hearing will end with public comments at a stated three minute maximum time limit. The Chair noted that written comments will be accepted by the Board until 4 p.m. on August 17, 2022 via email or hand delivery to the BOH Office. She indicated that the Board will review and consider all oral and written comments submitted before finalizing the proposed regulation this fall.

Ms. Ryden explained that the drafted Westport Local Septic Regulation is a consolidation of the policies and regulations contained in seven different existing BOH regulations and Town Bylaws.

Those existing regulations include: Building Renovation, adopted 9/22/03; Percolation Rate, adopted 4/12/04; Septic System Location, adopted 12/30/05; Septic System Maintenance, adopted 3/1/04; Septic System Water Resource Protection, adopted 2/1/21; Surface Water Protection, adopted 3/1/02; and Well Setback Variance, adopted 2/1/05. There is also the addition of a new section dealing with emergency repairs, standardized enforcement policies and hearing and variance provisions. She indicated that the most substantial policy change in the draft regulation is the proposed requirement for nitrogen reducing systems for new construction throughout the Town, not just in the Westport River watershed as currently required.

The Chair began the sectional review with Sections 1, 2, and 3, titled - Authority, Findings, and Purpose. She said that most of the language was unchanged from the current regulations.

Section 4, Definitions, was likewise an edited version of the current regulations with Building Renovation definition clarified and simplified and Surface Water language changed to match the language in the State Title 5 Regulation.

Section 5, Building Renovation, has no substantive changes; language has been added requiring a new septic system installation for dwellings that have been uninhabited for three years or more.

Section 6, Location Requirements, combines the old Septic System Location, Surface Water Protection and Well Setback Variance regulations; it also eliminates the requirement for VOC well testing for system repairs and upgrades less than 100 feet from the well.

An audience question asked how the Board would determine the start date of the three-year window for non-habitation.

Section 7 review of Percolation Rate Standards, was unchanged from current regulation.

Section 8, Emergency Repairs, contains new provisions not in current regulation and is modeled after the Title 5 regulation.

Section 9, Cesspools, is little changed from the Septic System Water Resource Protection language; a date certain of Feb. 1, 2026 for all required cesspool replacements has been substituted for the current regulation's five-year window for compliance.

In response to a resident question, the Director of Public Health indicated the current policy is to allow up to two years for replacement of a failed system.

Section 10, New Construction, is based on the current Septic System Water Resource Protection Regulation, though it would expand the nitrogen reducing system requirement for all new construction in Town. A map was displayed showing the additional area to be covered, mostly including the westernmost parts of Town. The draft document adds a new definition indicating the new construction requirement would be triggered by any proposed flow increase to any existing system.

Section 11 review covered Septic System Maintenance with only minor language changes from current regulations.

Questions from the audience asked about how the BOH would enforce the required pumping of systems every three years. Mr. Armendo noted that system pumpers are required to report their visits, giving the BOH some information for a potential compliance database to be created.

The Chair noted that the provisions of Sections 12-16 mostly match the corresponding sections of the current Water Resource Protection Regulation, detailing the performance standards for nitrogen reducing systems; sewer connections; general conditions for Innovative/Alternative Systems; operating and maintenance agreements for I/A Systems and monitoring requirements for I/A Systems.

Sections 17-20 deal with Enforcement; Violations; Penalties; Hearing Procedures and Variance regulations, respectively. The Chair noted that many of the older existing regulations have no hearing or variance procedures or are inconsistent with other Town regulations, therefore, those deficiencies have been addressed.

Sections 21 and 22 are Severability and Effective Date language with an anticipated effective date in September 2022 being mentioned.

Moving to public comment, the Board heard from three residents who were present.

Jon Alden expressed his surprise at such a small turnout for a public hearing on some very important regulations. He asked what efforts would be undertaken to distribute the information to residents and suggested the proposed supervisory and enforcement efforts would require additional staffing at the BOH in the near future.

Resident Arlene Martelly, owner of two properties, praised the BOH for the effort involved in consolidating and revising these regulations. She also suggested the need for the BOH to aggressively advertise the changes in policies and regulations and felt that the workload for the BOH staff would be increasing in the near future.

Resident Tom Davenport, part of the proposed Cadman's Neck cluster system study, said the proposed changes would have a big impact on the community and the BOH needs to get more information out about the revisions being considered. He asked if and how the BOH planned to enforce the three-year pumping requirement in the regulations. He also applauded the BOH for the time and effort required to consolidate and update the septic system regulations. Mr. Armendo noted that the BOH is working on a system to collect pump report data and to build a database for pumping requirement compliance.

Ms. Ryden noted that two written comment statements have already been submitted to the Board and further written comments will be accepted through to Aug. 17. She suggested that the oral and written feedback will be helpful as the Board works to finalize the document. The drafted proposed Westport Local Septic System Regulation is available for viewing on the BOH website.

MOTION by Ms. Amaral to adjourn the meeting at 4:56 p.m. Second by Mr. Weinberg. The motion passed on a 3-0 vote.

Submitted by Robert Barboza, Recording Clerk

The regular meeting of the Board of Health was called to order by the Chair at the Town Hall Annex at 4:00 pm. with the following members and staff present:

PRESENT: Tanja Ryden, Chair
Philip M. Weinberg, Vice-Chair
Donna M. Amaral, Secretary
Matthew J. Armendo, Director Public Health
Linda Pierce, Public Health Nurse

CHAIR'S ANNOUNCEMENT

1. Under M.G.L., Chapter 30A, § 20(f): Meeting Being Recorded
2. Pledge of Allegiance

PUBLIC HEALTH PRESENTATION - Linda Pierce, RN - Monkey Pox

Public Health Nurse Linda Pierce made a presentation on Monkey Pox, an infectious viral disease now found in Massachusetts. Initial symptoms include fever, swollen glands and muscle pain with lesions developing as the disease progresses. Symptoms may be more severe in cases that affect children, nursing mothers and those with lowered immunity and chronic diseases.

The virus is spread by close (face-to-face) contact, sexual activity and contact with clothing or other contaminated fabrics. Ms. Pierce noted that a licensed vaccine is in limited supply and available to those who have been in close contact with an infected person or who meet the CDC guidelines for high-risk individuals.

The vaccine can be ordered by your physician after exposure to an infected person or upon testing confirmation and is available from the list of providers offered at the Board of Health office (the closest site is in New Bedford).

Ms. Pierce also noted that free COVID test kits and free Narcan (drug overdose reversal medication) are also available to residents at the BOH office.

She reminded the public that the next Red Cross blood drive in Westport is scheduled for Oct. 20 at the old Westport High School, located at 19 Main Road. Information on donation appointments has been posted on the BOH web page.

DIRECTOR OF PUBLIC HEALTH

1. Written Report: Ms. Amaral asked for clarification of the department's research efforts to identify properties still served by cesspools. Mr. Armendo indicated that the work should be done by the end December; he noted that the five-year window for replacement of all cesspools is rapidly growing shorter.
2. Update - Board of Health
 - Covid Update: The Director reported that 67 confirmed COVID cases among residents have been reported as of Aug. 22. Data shows two reported hospitalizations among residents, and one death. He then read the latest quarantine and isolation guidance from the CDC & DPH
 - Pump Reports: No issues reported.

- Director Approved Plans: 1) 36-38 Kyle Jacob Rd, 4-Bedroom Repair-Leach Field. **MOTION** by Ms. Amaral to endorse the Director's approval of the four-bedroom repair plan for 36-38 Kyle Jacob Road, with the conditions indicated by the Director. Second by Mr. Weinberg. The motion passed on a 3-0 vote.
- Animal Control: The Director indicated that the ACO is doing a good job handling calls for service; the search for an additional Animal Control Officer continues.
- Transfer Station: The Director reported that the interior finish work was almost done, and should be completed by Aug. 29.

MINUTES

1. Aug. 08, 2022. **MOTION** by Ms. Amaral to approve the minutes of the Aug. 8 meeting as submitted. The motion was seconded by Ms. Ryden. The motion passed on a 3-0 vote.

OTHER BUSINESS

1. Next Meeting Schedule (Labor Day): After some discussion, it was decided that members would keep Sept. 12 open as a possible meeting date, if needed.
2. Proposed Westport Local Septic Regulation Comments. The Chair summarized the oral comments received during the recent public hearing and written comments provided before and after the hearing:
 - Regarding Section 4, it was suggested that the building regulations exclusions were unclear and should be revised; small changes in the language were agreed upon by Board members.
 - The suggestion that a definition of Hold Harmless Agreements should be added to this section was also endorsed by members.
 - Discussion of the verification methods for determining a dwelling has been uninhabited for three years resulted in no recommended changes to the language in that section of the regulations.
 - Regarding the Cesspool section, members agreed more public education about cesspool replacement requirements was needed and that a priority plan for outreach efforts on that topic should be developed. Members agreed that the priority plan should be a future agenda topic. Mr. Armendo suggested that the outreach should include communications or meetings with local realtors who are key players in property transfers and that local business groups should be included in the outreach efforts.
 - Public comment on Section 10, new construction and the denitrification system requirement for the entire town, included questions about future compliance by property owners who recently installed new septic systems. Mr. Weinberg suggested there was no concrete evidence that requiring denitrification systems outside the watershed area would have a positive impact on groundwater quality or water quality in the Westport River estuary area. Due to the higher cost of denitrification systems, he feels some data should be sought to demonstrate that the Town-wide mandate would help improve groundwater and river water quality. After some

discussion, there was no consensus on possible changes and a vote to endorse or revise the mandate was postponed until a future meeting.

- Questions about how the Board would enforce System Maintenance requirements were discussed. The Director confirmed that the BOH has neither the technology nor the staff to check and insure that all septic systems are regularly pumped; no changes were recommended.
 - Regarding I/A system monitoring, one written comment suggested that more flexible testing methods be allowed for annual reporting by a certified laboratory. The Chair noted that change would be less stringent than current Title 5 regulations and would not be allowed, no changes to the language were made.
 - The Chair also noted several general comments about the hearing; one noting the low turnout for the hearing and another predicting the need for increased BOH staff, if the new regulations were adopted.
 - Another comment suggested the need for more public outreach and education about septic system regulations.
 - The Chair indicated that minor revisions to the regulations would be made in coming weeks so the document could be voted on at the Sept. 12 meeting, if scheduled or Sept. 19 meeting.
3. DEP Framework for NSA: Members commented on a recent meeting with DEP officials regarding plans for new regulations for Nitrogen Sensitive Areas (NSA) in estuary zones. DEP is expected to hold public hearings on the proposed policy changes in the fall and will probably adopt the new policies in early 2023. The Chair suggested that Westport would be designated as a NSA under the proposed guidelines and have to comply with the five-year compliance window suggested in the regulations.
4. Equine Regulation Update – Penalties: The Board Chair and the Director reported that Massachusetts laws dealing with local equine regulations allow penalties to be assessed for non-compliance with stable permit regulations (for four or more equines); permits and penalties for one to three equines are not addressed in the law. He recommended that the Board adopt a non-criminal disposition penalty of \$5 for (1-3 Equines) per animal per day for non-compliance.
- MOTION** by Ms. Ryden to amend the equine permit regulations to correct the “technical error” regarding penalties for violations in order to make them legally correct. Seconded by Ms. Amaral. The motion passed on a 3-0 vote.
5. Unappoint Megan DaCosta as Special Agent for Tobacco Control (No longer working in the Greater Fall River Tobacco Control Program). **MOTION** by Ms. Amaral to rescind the appointment of Megan DaCosta as a Special Agent for Tobacco Control. Seconded by Mr. Weinberg. The motion passed on a 3-0 vote.
6. Board Member Updates: Ms. Amaral noted that the Team COW community group is planning another town-wide cleanup on Sept. 24 and is recruiting volunteers to help. Volunteers can sign up for the event by visiting the Team COW page on Facebook. Ms. Ryden reported that the Select Board has invited BOH members to meet with them on Sept. 29 to talk about the \$300,000 Public Health Excellence grant recently awarded to the Town and five other area communities. Westport

will serve as the lead community for the consortium, which will consider options for shared health department staff by the participating towns.

APPOINTMENTS

4:30 p.m. – Waiver Hearing Cont'd from 8/08/22: Mark Rodrigues for 33 E. Briggs Rd., Kathleen Vincent L.E., 3-Bedroom Repair with Bottomless Sand Filter and AdvanTex, 8,927s.f.

The Director reported that DEP was consulted on the application and has provided feedback on the plans.

MOTION by Mr. Weinberg to approve the three-bedroom repair plan dated 7/22/22 for 33 East Briggs Road with conditions including a three-bedroom deed restriction, hold harmless agreement and two years of Total Nitrogen Testing with results reported to the Barnstable County Health Department. The motion includes approval of upgrade waivers for well and property line distances as listed on the application. Seconded by Ms. Amaral. The motion passed on a 3-0 vote.

TOPICS FOR THE NEXT REGULAR MEETING

None.

TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING

None.

MOTION by Ms. Amaral to adjourn the meeting at 5:44 p.m. Second by Mr. Weinberg. The motion passed on a 3-0 vote.

Submitted by Robert Barboza, Recording Clerk