

The Special Meeting of the Board of Health convened at 1:01pm by remote participation with the Chair announcing the meeting is being recorded and that the meeting was remote.

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

Ms. Ryden thanked Donna Amaral for taking the minutes and addressed items on the Agenda.

### **Maximum Feasible Compliance (MFC)**

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Ms. Ryden focused on the current policy and the summary that was provided to the Board to review how we came to where we are currently regarding MFC.

Ms. Ryden addressed the need to be clearer, provide consistency and to define standardized expectations on implementation of the MFC policy. This primarily focuses on undersized lots to specifically address public health concerns with well proximity to septic systems and the impact on nitrogen load. This also applies to lots within the interim wellhead protection zone and protective radius to a public water supply well. There is also a need to simplify the MFC checklist and when it would apply to getting a waiver for MFC. Ms. Ryden described the variety of possible systems that would meet the requirements. The Board needs to look at what is maximally feasible to achieve the public health and environmental issues addressed in Title V. Also, whether well water testing should be done in all undersized lots, as well as the mechanism to determine if criteria for a financial waiver is met.

Ms. Ryden requested input and recommendations from Mr. Armendo before the open discussion. Mr. Armendo stated he feels water analysis should be done automatically for all undersized lots and default to denitrification (denite) systems for all undersized lots for MFC. The results of the water analysis may determine if denite is necessary, depending on the nitrogen level and may give the Board discretion to make another determination. He also addressed the financial concerns and difficulty getting two (2) quotes for denite and suggested setting an average default amount of \$11,500 as the additional cost for a denite system. This could help determine if the cost exceeds the 10% rule.

Mr. Weinberg addressed that we are piggybacking on DEP policy. He identified three parts that are set. That the well must be down gradient to the SAS, whether there is increased presence of nitrogen in the water and that the cost is not greater than 10% of the assessed value of the property for all upgrades. He debated the need for a water test if the well is up gradient of the SAS and that it would be outside the DEP policy. He also addressed proximity to nitrogen-impaired waters but to focus on this at another time. He emphasized the BOH should focus on the public health related to the well, which is what the MFC is all about.

Having a default monetary value and amount for a denite system was discussed. The \$11,500 is for the additional cost for the denite system installed. Obtaining two (2) quotes has been a problem and not occurring when plans are submitted.

Ms. Amaral asked for clarification regarding the 10% and the importance of being clear for homeowners. Mr. Weinberg brought up the DEP policy that gives greater discretion [In some cases even minimal

protection of the public health and environment will require costs higher than this] and here is where the policy needs refinement.

Ms. Ryden suggested coming in with another default amount for cost of denite, to address the problem of unreliable quotes that have been presented, using an average between the least and most expensive system. If the engineer wants to make a financial argument for not using a denite system, they would have to use the default amount as the base amount to qualify for the 10% threshold. If the amount were above the default, engineers would have to present a thorough plan and quote with costs to justify the waiver.

Mr. Weinberg shared the average cost of a standard system as \$21,700 and the average denite system as \$33,400 of those systems in our loan program.

Ms. Ryden summarized the discussion and noted that the Board is in agreement to refine the current MFC policy. There are several parameters to justify updating. From a public health standpoint, there is justification for water testing, for undersized lots and to advocate for such as a standard data point and expectation. There was some discussion around the cost of water testing. There is a consensus to streamline policy for the requirement of water testing, as well as, the economic waiver for denite. Ms. Ryden proposed that the Board revisit the policy and simplify the checklist to one page. Ms. Ryden will work on this with Mr. Armendo.

### **SEPTIC BETTERMENT PROGRAM**

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Ms. Ryden thanked Mr. Weinberg for all his work on the Septic Betterment Program. It is running out of money and the Board needs to write a Warrant by the end of the month to secure further funding. Mr. Weinberg shared the number of loan requests in the que for approval, the detailed work he has done on this topic and the options for the 2022 bond. He presented the strategy for a split rate of 1.5% as an incentive to encourage denite systems and 4% for regular systems or a lower all over rate of 3% for all systems. He discussed arguments for either choice. After consulting with an attorney, there is no legal reason for not doing a split rate. There is concern about the response from the public regarding the split rate. After discussion, the Board addressed the strategy to meet its goal. The Board reached consensus of advocating for a 3% rate for the next \$500,000 bond and that the remaining Septic Loan surplus of \$140,000 be reserved for denite at a lower rate. DEP does allow the town to develop a loan program with the surplus for septic repairs. Ms. Ryden suggested the Board ask for a revolving fund to replenish and reuse for more septic betterment loans. There was a discussion about two Warrant articles and how the funds would be distributed.

**MOTION** by Ms. Ryden that the BOH seek a Town Warrant Article for renewal of the Septic Betterment Program for fiscal year 2022 and to obtain a \$500,000 bond. Seconded by Mr. Weinberg. The Board voted unanimously with all in favor by roll call.

**MOTION** by Ms. Ryden that the BOH develop a proposal to request a 3% loan rate for the new \$500,000 bond. Seconded by Mr. Weinberg. The Board voted unanimously with all in favor by roll call.

Ms. Ryden addressed the surplus and options to distribute. The focus is on incentivizing denite systems. Mr. Weinberg spoke of the Russell family case. He also spoke of the loan program from Mass Housing with a 0-3% rate but limited to \$25,000 for MFC for lower income households. He suggests we refer to this program first for those that qualify before loaning any funds to those with low incomes. Ms. Ryden suggested 1.5% as the rate. Mr. Weinberg does not feel the Board needs to do a formal vote yet. He suggested bringing a proposal to the Town Treasurer and Town Manager for discussion. Ms. Ryden suggested Mr. Weinberg develop a draft of what the Board wishes to accomplish regarding the Septic Betterment Loan Program and bring this initiative to the Town Manager after review by the Board and Mr. Armendo.

**TOPICS NOT OTHERWISE REASONALBLY ANTICIPATED FORTY-EIGHT HOURS IN ADVANCE**

Mr. Armendo addressed the Harbor Inn complaint and the Board's need to review and discuss. Ms. Ryden directed the Board to review and submit input to Mr. Armendo and plans to discuss in an Executive session with Town Counsel.

**MOTION** Ms. Amaral to adjourn the meeting at 2:59 pm. Second by Mr. Weinberg. The vote was unanimous with all in favor by roll call.

Submitted by Donna Amaral, Secretary BOH

The Regular Meeting of the Board of Health convened at 6:00 p.m. with the Pledge of Allegiance.

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

### **CHAIR'S ANNOUNCEMENTS**

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- Under MGL Chapter 30A, § 20F this meeting is being recorded.
- Pursuant to Governor Baker's March 12, 2020 Order, this meeting of the Westport Board of Health is being conducted by remote participation. An audio recording of this meeting will be posted on the Town's website.
- New Septic System Resource Protection Regulation adopted effective February 1, 2021. The key provisions are Nitrogen reducing septic systems for all new construction and the phase out of cesspools. The Board of Health will be hosting an online Questions and Answers on New Septic System Resource Regulation. January 21, 2021 at 7 p.m. The link for this will be the same as the regular BOH meeting link. Questions can be sent in advance to [Health@westport-ma.gov](mailto:Health@westport-ma.gov) email address.
- As part of this regulation, Barnstable County Health Department has been designated as Agent for collecting O&M data for alternative/innovative septic systems.

### **PUBLIC HEALTH NURSE PRESENTATION**

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#### **Linda Pierce, RN**

- 952 Positive cases of Covid-19 since February 1, 2020. It is very important to keep your social distance, wear your mask and wash your hands. If anyone has any questions, they can contact the Nurse's Office at 508-636-1030.

### **DIRECTOR**

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1. Written Report. No questions from the Board Members.
2. Update
  - COVID-19. The numbers have spiked. Mr. Armendo stressed masks and washing hands.
  - Board of Health: Is extremely busy with Covid-19 and is doing their best to manage it within the department for the town.
    - The First Responders Clinic: The Town has partnered with Dartmouth and the first round of vaccinations will be starting this week. There are three distinct phases to the vaccination rollout. The detailed listing of the phases can be found at Mass.gov.
    - Pump Reports: No red flags
    - Director's Office coming along nicely, approximately 90% complete. Hoping it will be done this week. Matt would like to thank the BOS and BOH for agreeing to move forward with this project.
  - Transfer Station: All operations running normal, the guys are doing a great job.
  - Animal Control: Very busy last few weeks. Both Donna and Nick are doing a good job keeping up with the workload.

- Nurse. As listed above.
- Septic Plan Approvals:
  1. Main Road, 4-Bedroom Repair using Arc 36 LP chambers. Lot size 93,918 sq. ft. Plenty of lot size, good system going in.
  2. 745 Hix Bridge Road, 2-Bedroom Repair, stone bed. Lot size 21, 854 sq. ft. Plenty of space meets requirements of Title V
  3. 322 Old County Road, 3-Bedroom Repair, stone bed, 41,265 sq. ft. lot.
  4. Charlotte White Road Ext., 4-Bedroom New construction, 63,400 sq. ft. Good design, Storm Water Plan included with submittal.
  5. Cahoon's Lane, 3-Bedroom New construction, Quick 4 System going in, 70,583 sq. lot Storm Water Plan was submitted.
  6. 33 Soule's Way, 3-Bedroom New construction, Quick 4 System, 98,600 sq. ft. lot in subdivision. Storm Water Plan not required it was part of the planning process
  7. 572 River Road, 4-Bedroom upgrade, Cultec System, 61,119 sq. ft. lot.

**MOTIONED** by Donna Amaral to approve as stated on the Agenda and read by Matt Armendo. Seconded by Phil Weinberg. Roll call vote, the vote was unanimous.

#### **OTHER BUSINESS**

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1. **Update on Community Septic Loan/Betterment Program.** The current betterment program has a \$500,000.00 pot of funds appropriated at the 2018 Town meeting. They agreed to request a new allocation of \$500,000.00 as loan with pay back through the Betterment Program in a standard town meeting article. They will be proposing a 3% interest rate across the board to better benefit residents that need to access these funds at a beneficial interest rate. They have a sample of the standard warrant language for the \$500,000.00 request.
2. **Septic Repair Loans.** Approximately \$140,000.00 remaining from a grant from 1994. These are Funds that are sitting in a town account, so we do not need to borrow money and would not have to pay interest back. The Board will proceed with exploring how legally they can accomplish what they want with the 140,000.00 looking to target septic repairs, in particular denitrification systems. Warrant Articles are due by the end of January. Tanja proposed the warrant article be put on the next agenda, January 25, 2021.
3. **Discussion of Household Hazardous Waste Day.** Put on next agenda for January 25, 2021
4. **Board Member updates:**
  - Phil: There is a public meeting on the Cluster System Study at 6pm tomorrow evening (1/12/21) at the Planning Board. Matt will put the link on the BOH website for the meeting.
  - Donna: Working on a Wellness event perhaps in the fall.
  - Tanja: Working meeting on Maximum Feasible Compliance policy. She will circulate something before the next regular meeting.

#### **SEPTIC PLAN REVIEW**

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1. 17 Sylvana Street (M-24/L-18AL) Dale Frederick, 3-Bedroom Repair, Stone Bed, SF-21,100 with MFC Waiver Form. No variances required. **MOTIONED** by Phil Weinberg to approve plan for Dale Frederick, 17 Sylvana Street, 3-BR repair on a plan dated 11/28/20 subject to a 3-BR deed restriction and Con Com review. Seconded by Donna Amaral. Roll call vote, unanimous.

2. 29 Oakland Avenue (M-25/L-87&125) Calodesu, LLC, 3-Bedroom Repair, Cultec w-MicroFast Denitrification System, SF-12,518. **MOTIONED** by Donna Amaral to approve the plan for 29 Oakland Avenue, 3-BR repair, Robert Chase Jr for a plan dated 12/3/20 subject to:
  1. Con Com review
  2. Owner certification for I/A systems
  3. 3 BR Deed Restriction
  4. Compliance with standard conditions
  5. O&M agreement
  6. Sieve Analysis
  7. I/A Deed notice

Seconded by Phil Weinberg. Roll call vote, unanimous.

### **TOPICS FOR THE NEXT REGULAR MEETING**

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1. Warrant article
2. Maximum Feasible Compliance
3. Septic Betterment

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

None

### **APPOINTMENTS**

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**6:30 p.m. - Waiver Hearing Continued for 217R Tickle Road, Brian Nadeau, 3 Bedroom Repair, 11,280 sq. ft. Fuji Clean CEN-5 bottomless sand filter.**

Pro Line Engineering, Mr. Berube representing for a continued hearing incorporating a CEN-5 in the same location to the plan. Provisional use approval from the State for remedial use. Matt did not get a copy of the additional submittal. He needs to review the documents. Phil had no comments on the plan but questioned well test data and wants to be sure notification to the homeowner is followed up on regarding the status of the well. Donna had same concern. Tanja spoke of the Septic System Resource Protection Regulation. The data will be submitted to Barnstable County.

**MOTIONED** by Tanja Ryden for approval, septic repair plan 217-R Tickle Road for Brian Nadeau, 3 BR repair with a Fuji Clean CEN-5 and bottomless sand filter, plan date revised Dec 27, 2020 with the following conditions:

1. Subject to review and approval of BOH to confirm this system is able to be used in a remedial repair situation under its provisional approval.
2. Subject to a 3-BR deed restriction.
3. Submission of owner's acknowledgment and understanding of their responsibility associated with BSF and the Fuji Clean.
4. Compliance with standard conditions associated with the approvals, which include operations and maintenance agreement and sampling, which will be submitted to Barnstable County.
5. Subject to ConCom approval,
6. Three-year well testing and a hold harmless clause.

7. Approval of the variance to allow the distance from bottom of sand filter to private well at Map 21A/Lot 9, distance from 100' to 76', distance from 100 to 73' to owner's well.
8. Approval of the use of Sieve Analysis in lieu of a Perc test.
9. If necessary, reduction in horizontal separation from BSF to the high water mark of South Watuppa Pond.
10. Deed notice must be filed for the BSF and the Fuji Clean System.

**MOTIONED** by Tanja Ryden to accept. Seconded by Donna Amaral. Roll call vote, unanimous.

**6:40 pm - Title V Waiver hearing for 39 Bridge Street, Jason Gray, 3 BR repair, 10,354 sq. ft. lot, Quick 4, Water Analysis and estimates supplied.**

Len Potter stated this is a small lot with a Cesspool, 2 wells less than 100' away. Water analysis has been done on both wells. Mr. Potter cannot find evidence that the abutter notification was sent informing of the hearing; however, the abutter is aware of the hearing. Mr. Potter will re-send the letter.

Maximum Feasible Compliance Proposal is to protect the wells from Nitrate pollution. The proposed system is Title V compliant. Phil does not feel the Maximum Feasible Compliance Policy would apply in this case, however, does not believe the plan can be approved without the proper abutter notification.

Donna would like to see a denitrification system, as would Tanja.

**MOTIONED** by Donna Amaral to continue the hearing to January 25, 2021 at 7:10 pm. Seconded by Phil Weinberg. Roll call vote, unanimous.

**6:50pm – Title V Waiver Hearing: Mt. Hope Eng. for 173 Donovan's Lane, Fred Berthoff, 2-Bedroom Repair (11,020sf) Flow Diffuser Bed**

**MOTIONED** by Tanja Ryden to continue. Seconded by Donna Amaral. Roll call vote, unanimous.

**7:00pm – Cont'd Title V Waiver Hearing from 12/14/20: Len Potter for 27 Second Street, Ruth Clayton & Mary Bradley, 2 Bedrooms (7,492sf), Quick 4. Engineer request another continuance to Jan. 25, 2021.**

**MOTIONED** by Tanja Ryden to continue. Seconded by Donna Amaral. Roll call vote, unanimous.

**7:10pm – Cont'd Title V Waiver Hearing from 12/14/20: River Hawk Env. for 157 Blossom Road, DBLA, LLC, 5 to 4B (31,230sf) Presby Enviro Septic Bed with MFC Waiver and WA**

This type of a system will require an I/A deed notice and a 4-BR Deed Restriction. Phil noticed the backwash and garbage disposal are in the notes, but are not stamped.

**MOTIONED** by Phil Weinberg to approve the plan submitted by DBLA LLC for 157 Blossom Road for a 4-BR repair upgrade, reduced from 5 BR on plan dated 9/25/20 with a reduction in the separation between the bottom of the SAS and groundwater from 4' to 3' and subject to.

1. An I/A deed notice
2. 4 BR deed restriction
3. Submission of a revised plan to include backwash and garbage disposal on plan.

Seconded by Donna Amaral. Roll call vote, unanimous.

**7:20 pm: Maximum Feasible Compliance waiver request for James Dinardo, 29 Cornell Road. Quick 4, 21,344 sq. ft. lot. 3 BR repair.**

Len Potter representing. All wells including the owners are over 100' away. Existing cesspool will be replaced. No well tests required.

**MOTIONED** by Phil Weinberg to approve James Denardo, 29 Cornell Rd., 3 BR repair, 11/21/20 plan date, subject to 3-BR Deed Restriction and ConCom review. Seconded by Donna Amaral. Roll call vote, unanimous.

**7:40pm – Discussion: Title 5 Inspection with Nitrates over 5 (6.56) 6 Lakeshore Avenue**

Owners are Matt and Cathy Medeiros. Wendy Henderson representing the applicants. Tanja's concerns are the system is 26 years old and close to the end of its normal operating life and asked if the system has been regularly maintained up to date. Mr. Medeiros stated the system has been pumped religiously every other year.

**MOTIONED** by Phil Weinberg to pass the Title 5 Inspection since the system does not show presence of ammonia and does not meet the requirements for failure in the Title V Regulations. Seconded by Donna Amaral. Tanja suggests to encourage the current property owners to encourage the future property owners to test their well regularly and ask Matt Armendo to follow up with DEP to get a clarification so they have a clearer understanding of the failure criteria with regard to ammonia and nitrates. Roll call vote, unanimous.

**MOTIONED** by Donna Amaral to adjourn at 8:15pm. Seconded by Phil Weinberg. Roll call vote, unanimous.

Submitted by Donna Lambert, Interim Recording Clerk

The Special Meeting of the Board of Health convened at 7:00pm by remote participation.

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

## Q & A SESSION

### SEPTIC SYSTEM WATER RESOURCE PROTECTION REGULATION

#### CHAIR'S ANNOUNCEMENT:

Under MGL Chapter 30A Section 20F, this meeting is being recorded. Pursuant to Governor Baker's March 15, 2020 Order, this meeting of the Westport Board of Health is being conducted by remote participation. An audio recording of this meeting will be posted on the Town's website.

Link to a copy of the regulation <https://www.westport-ma.com/board-health>

#### Regulation-General Notes:

- This regulation does not affect any existing Title 5 compliant septic system.
- Applies to any new construction application filed on or after Feb. 1, 2021
- Requires nitrogen reducing septic system rated at <19 mg/L TN.
- Only applies to lots in Westport River Watershed within Westport.

#### SECTION 5.0 – CESSPOOLS

- All cesspools to be upgraded to a standard Title 5 system by January 31, 2026, unless an earlier deadline applies.
- Nitrogen reducing system, only if required by Title 5.

Q. Susan Martineau – The cesspool requirement is whether or not you are in the watershed area.

A. Yes, entire Town of Westport

#### SECTION 6.0 - NEW CONSTRUCTION

Except where the Board determines that it is feasible to connect the facility or any portion of the facility for which a system approval is sought to a sanitary sewer, **all new construction located in the Westport River Watershed shall install a nitrogen reducing system meeting the performance standards as provided in Section 7** of this regulation as the on-site subsurface sewage disposal system.

Q. Nicole Plante -If some purchased a piece of land (3 acres), if the plan has not been submitted by Feb 1, it would need a denite system?

A. Any lot being built on or after Feb. 1, will require a denite system. If a well on the property the number of bedrooms that can be accommodated.

Q. All new construction will need denite, accessory apartment or add a bedroom, will trigger denite?

- A. If there is no increase in flow, it would not trigger a denite. If a bedroom is decommissioned, therefore, no increase in flow, it would not trigger a denite.
- Q. Manny Soares, Gifford Rd. - What would be the criteria where a denite system would be required for a variance?
- A. The variance provision. They will come back to that.

#### **SECTION 7.0 - PERFORMANCE STANDARD FOR NITROGEN REDUCING SYSTEMS**

- Q. Where do they sample for testing?
- A. It would be done by the operator and they would send the sample to the lab.
- Q. Do they install a well?
- A. The installer is not responsible, the operator would be responsible at 6 months then yearly.
- Q. Where is the sample taken from?
- A. The operator would have that information.

Emily Michele Olms, Bristol County – It depends on the technology and the operating company. Depending on the system, there are different components to take the sample. The most common systems take the sample before the leach field

- Q. Title 5 system and want to test to see if it meets the 19 mg/lit, where would you test the Title 5 system?
- A. The samples are taken at the tank.
- Q. Nicole Plante – How does denite work on seasonal homes? How would it work if only tested a couple of times a year?
- A. Some of the technologies work better for seasonal systems. In the DEP Approval letters, it is addressed; there is a guidance around that.
- Q. Do seasonal systems need to be?
- A. 19 millimeter is rolling average over a year.

One of the requirements for nitrogen reducing systems is that the owners are required to acknowledge and get from the engineer a user manual, which includes guidance for startup and shut down. The cost for maintenance should also be included in the manual.

Going forward, the operator is responsible to inform the owner and submit tests to Barnstable County.

**NOTE:** Nicole Plante – There is also a cost for electricity associated with these systems.

#### **SECTION 8.0 - CONNECTION TO SEWER**

20 years minus the ages of the system will be the formula for connecting to sewer. (i.e. 20 years – 11 year system you will have 9 years to connect to sewer.)

#### **SECTIONS 9, 10 AND 11 - I/A SYSTEM REQUIREMENTS**

- Comply with Mass DEP approval letter, Title 5 and this regulation.
- Current Operation & Maintenance Agreement, if required by DEP

- Semi-annual measurement of Total Nitrogen (TN) for new nitrogen reducing systems for the first two years
- Additional maintenance & monitoring may be required on a case-by-case basis.
- Monitoring & inspection reports submitted online to the Barnstable County I/A Septic System Tracking Program instead of BOH

Emily Michele - All data that currently exists are available for public viewing, however, they are anonymous.

- Q. Nicole Plante - The Title 5 inspection fails, are they grandfathered for a Title 5 system?
- A. Generally, this regulation does not require by default a denite system. There may be some circumstances that would require a denite system
- Q. A traditional Title 5 system can the replace with traditional Title 5?
- A. This regulation does not dictate denite.
- Q. Mark Rodrigues - If a system fails Title 5 and in the watershed, this regulation does NOT say it has to be denite?
- A. It is only for new construction, unless Title 5 requires it.
- Q. The previous policy 4-40 ratio?
- A. He does not disagree with the point Mark makes. They are applying maximum feasible compliance. Ex. new construction, 5 bedroom on a 1-acre lot, the nitrogen loading would determine if denite is needed.
- Q. The State designated nitrogen areas the town applies to all properties. Is nitrate reduction applies to all lots. Can a conventional system on a repair?
- A. Yes, undersized lots with a site well as part of DEP policy that the BOH adopted. Under this regulation, they are not a blanket denite.
- Q. He does not believe Title 5 says 4-40 ratio nitrogen sensitive?
- A. It is the ratio in number of bedrooms, design and size of lot.

Tanya Ryden - Perhaps they can put out more information to address this.

- Q. Mark Rodrigues - Seasonal use dwelling utilized 3 months of the year. What would appropriate sampling be for a 3-month system? Suggest professional consultation be sought?
- A. Modify requirement based on that. There is working in DEP approval letters. If homeowner communicating with operator, coordinate well samples. It is on the homeowner to prove seasonal resident.

### SECTION 13 - VARIANCE

The BOH, in any particular case and following a public hearing, **may grant a variance** of any provision of this regulation.

- Q. Manny Soares - The cluster systems proposed would be nitrate reducing also?
- A. There is a feasibility study on a mini nitrogen reducing system.
- Q. What would be the criteria on a variance 4 acres no resource anywhere near you would there be a variance?
- A. You would have to make a case either 1 or 2. A 4-acre lot anything within the watershed, within 100s of yards, the tributary, the impact of the nitrogen load, there is a standard that is required across the watershed.

- Q. If 4-acre lot, the nitrogen is removed in soil, if you have compliant Title 5 land, why wouldn't you be able to have a Title 5 system?
- A. Every septic system installed adds nitrogen.
- Q. A system up in the north end, the nitrogen load does not get to the Westport River but the denite system has to be put in just because it is an undersized lot?
- A. The assumption being made about nitrogen traveling through ground water on a property there is nitrogen in Title 5 system. The analysisist in mass estuary project had a model that looked at nitrogen concentration, the distance does affect the time of travel but the fact that it is a particular size of lot is not a factor at the nitrogen leaving the property.
- Q. There would be no variance?
- A. You would have to have some specific rationale for the variance. This can be discussed with an engineer or the Board of Health. The regulation requirement would apply.
- Q. Nicole - With the variance would grants or hardships for sellers or buyers who cannot do this for financial reasons?
- A. Not triggered by this regulation. The Town has a Septic Betterment Program and there is an article to renew that. There is another warrant article for approximately 140,000.00. They would like to use for specific needs. Mass housing has some programs available through local lenders. There is also a septic credit program. These programs could help in these circumstances.
- Q. Is the building department going to be doing the grants, is that for new constructions?
- A. No the Septic Betterment is only for failed systems.

Not aware of a grant available at this time for new construction.

If you have questions, you can submit a question to the BOH.

Information is available on the town website.

Thank you for your participation

Submitted by Donna Lambert, Interim Recording  
Clerk

The Board of Health convened the Executive Session at 7:58 pm.

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

**EXECUTIVE SESSION**

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Pursuant to the provisions of M.G. c. 30A, § 21(a)(7), Chair declares an open meeting will have a detrimental effect to:

Approve Executive Session Minutes: Sept. 03, 2020. **MOTION** by Mr. Weinberg to approve minutes 9/3/20 and not release. Seconded by Ms. Ryden. The vote was unanimous with all in favor. Roll Call vote: Ms. Ryden, Aye; Mr. Weinberg, Aye; Ms. Amaral, Aye.

Approve Executive Session Minutes: Dec. 01, 2020. **MOTION** by Mr. Weinberg to approve the executive session minutes and not release. Seconded by Ms. Amaral. The vote was unanimous with all in favor. Roll Call vote: Ms. Ryden, Aye; Mr. Weinberg, Aye; Ms. Amaral, Aye.

**MOTION** by Ms. Ryden to adjourn the executive session at 8:05 p.m. Seconded by Ms. Amaral. Unanimous with all in favor. Roll Call vote: Mr. Weinberg, Aye; Ms. Amaral Aye; Ms. Ryden, Aye.

Submitted by Lucy R. Tabit, Recording Clerk

The Jan. 25, 2021 Regular Meeting of the Board of Health convened at 5:50 pm. by remote participation with the Chair announcing the meeting was being recorded, and reading the Governor's order allowing for virtual meetings with public participation. The Chair led the recital of the Pledge of Allegiance and then announced that the executive session scheduled would be postponed to the end of the meeting.

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

### **CHAIR'S ANNOUNCEMENT**

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

### **PUBLIC HEALTH NURSE PRESENTATION**

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#### **Linda Pierce, RN**

1. Update on Coronavirus (COVID-19). Ms. Pierce reported 1,110 cases to date, and advised the public that it was important during the current surge to maintain proper social distancing, wear masks, and practice frequent hand washing to help prevent infection. The Chair noted that the vaccine supply is not meeting the demand, with local authorities dependent on the federal government to supply the vaccine.

### **DIRECTOR**

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1. Written Report. No comments.
2. Update
  - COVID-19. Mr. Armendo reported that a first responder vaccine clinic was held last week, and another clinic for first responders is scheduled for Feb. 10, 11, and 13.
  - Transfer Station. Mr. Armendo indicated there is a \$22 per ton increase in solid waste disposal fees coming, and the Fiscal Year 2022 budget will have to be increased to cover those projected costs.
  - Septic Plan Approvals:
    1. 678 Horseneck Road, John Crowley, 3B Repair with a Quick 4
    2. 817 Sanford Road, Joseph & Noreen Aguiar, 3B Repair with ADS Arc 36
    3. White Oak Run (41/2-1) Rockwood Homes, 3B New Construction with a Stone Bed
    4. White Oak Run (41/2-2) Rockwood Homes, 3B New Construction with a Stone Bed
    5. White Oak Run (41/2-3) Rockwood Homes, 3B New Construction with a Stone Bed
    6. Cook Lane (87/39J) Derek Chase, 4B New Construction with Quick 4
    7. 852 Drift Road, Jonathan Greene, 3 to 5B Upgrade with Stone Bed
    8. ~~53 Greenfield Road Jayson & Lisa Hall, 3-B Repair with Quick 4~~ (Not approved by Director)

**MOTION** by Mr. Weinberg to approve plans 1-7 as recommended by the director, seconded by Ms. Amaral. The motion passed unanimously on a 3-0 roll call vote.

**MINUTES**

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1. Sept. 17, 2020 Minutes. The minutes of the 9/17/20 meeting were reviewed, and amended to correct fourth paragraph regarding 23 Acoaxet Avenue, distance from well, from 1 foot to 91 feet. **MOTION** by Ms. Ryden to approve as amended, seconded by Ms. Amaral. The motion passed on a 3-0 roll call vote.
2. Nov. 09, 2020 Minutes. **MOTION** by Ms. Amaral to approve the minutes of the Nov. 9, 2020 meeting as presented; seconded by Mr. Weinberg, the motion passed on a 3-0 roll call vote.
3. Nov. 23, 2020 Minutes. The minutes of the Nov. 23, 2020 meeting were reviewed, with item under Other Business corrected to read “working with high school students meeting at Lees Market” instead of working with Lees Market. **MOTION** by Ms. Ryden to approve as amended, seconded by Ms. Amaral. The motion passed on a 3-0 roll call vote.
4. Dec. 03, 2020 Minutes. The minutes of the Dec. 3, 2020 meeting were reviewed, with several typographical errors pointed out for correction; in the last paragraph on page 2, 180 gallons; on page 6, Atty. Burke indicating the increase was from 10 rooms to 14 rooms. **MOTION** by Ms. Ryden to approve as amended, seconded by Ms. Amaral. The motion passed on a 3-0 roll call vote.
5. Aug. 25, 2020 Minutes. **MOTION** by Ms. Amaral to approve the minutes of the Aug. 25, 2020 meeting as presented, seconded by Mr. Weinberg. The motion passed on a 3-0 roll call vote.
6. Nov. 05, 2020 Minutes. **MOTION** by Ms. Ryden to approve the minutes of the Nov. 5, 2020 meeting, seconded by Ms. Amaral. The motion passed on a 3-0 roll call vote.
7. Nov. 18, 2020 Minutes. **MOTION** by Ms. Ryden to approve the minutes of the Nov. 18, 2020 meeting, seconded by Ms. Amaral. The motion passed on a 3-0 roll call vote.
8. Sept. 23, 2020 Minutes. **MOTION** by Ms. Amaral to approve the minutes of the Sept. 23, 2020 meeting as presented, seconded by Mr. Weinberg. The motion passed on a 3-0 roll call vote.

**OTHER BUSINESS**

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1. Community Betterment Loan Program. Ms. Ryden indicated that Town Counsel will be consulted for guidance on how the repaid funds from a previous loan program for failed septic systems and upgrades can be used. The Board discussed potential articles for town meeting action proposing to borrow \$500,000 from the state fund for replenishing the new betterment program; possibly using funds from the old betterment program to lower interest rates for low to moderate-income households or otherwise subsidizing costs for denitrifying systems. Mr. Weinberg noted that a four-person household with combined income of \$87,000 or less is considered moderate to low income in Westport; Ms. Ryden said the Board should use the same eligibility standards as local housing agencies employ, if that course of action is adopted.
2. Warrant Articles. **MOTION** by Ms. Amaral, to approve the article seeking to authorize the use of the revolving fund for vaccine purchases, not to exceed \$10,000. Seconded by Mr. Weinberg. The roll call vote was unanimous, 3-0.

**Remote Participation Regular Meeting of the Board of Health**

**MOTION** by Ms. Amaral to approve the article seeking to appropriate \$25,000 to finance one or more household hazardous waste collection events. Seconded by Mr. Weinberg. The roll call vote was unanimous, 3-0.

**MOTION** by Mr. Weinberg to approve the article seeking to borrow \$500,000 from the state trust fund to replenish the Community Betterment Loan Program. Seconded by Ms. Amaral. The roll call vote was unanimous, 3-0.

**MOTION** by Mr. Weinberg to approve the article proposing to use the estimated \$140,000 to \$150,000 in available recaptured funds to help subsidize denitrifying septic system installations. The final language to be determined by Town Counsel. Seconded by Ms. Amaral. The roll call vote was unanimous, 3-0.

**3. Member Updates.**

- Ms. Amaral noted that she is working with high school students on an Alzheimer's awareness campaign; a fundraising and awareness walk is being considered for April or May.
- Mr. Weinberg reported on the recent information session held by Buzzards Bay Area Habitat for Humanity for the cluster housing (duplex) planned on Sodom Road.
- Ms. Ryden reported on the topics discussed during the recent BOH question and answer session on the water resource protection regulation being adopted.

**SEPTIC PLAN REVIEWS**

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1. 26 Kelly Avenue (M-35/L-52; sf 20,211) Raymond Tetrault, 3-Bedroom Repair, Quick 4 Infiltrator Standard Chamber Bed. Wendy Henderson presented details on the voluntary upgrade; requested waiver from denitrification regulations, based on projected costs. **MOTION** by Mr. Weinberg for approval with waiver, conditioned on ConCom approval, three-bedroom deed restriction. Seconded by Ms. Amaral. The motion passed on a 3-0 roll call vote.
2. Charlotte White Road (M-68/7; sf 30.3Ac) ELJ Inc., Shared System for 12 House Lots - 45 Bedrooms, New Construction, Perc Rite Drip Dispersal with Advantex. Engineer Mike Russell presenting, noted the same plan was approved by BOH in September 2018. Mr. Armendo recommended that financial assurances be given via a homeowners' association agreement to ensure continued maintenance of the system. Following discussion of operating and maintenance plan elements, it was agreed that Mr. Armendo and Mr. Weinberg would review the proposed financial assurance agreement for the Board. **MOTION** by Mr. Weinberg for approval with conditions including an approved assurance agreement and compliance with DEP shared system regulations. Seconded by Ms. Amaral. The motion passed on a 3-0 roll call vote.

**APPOINTMENTS**

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**6:30pm – Title V Waiver Hearing: S & K Engineering for 39 Red Cedar Road, Debra & Richard Lord, 2 Bedroom Repair (14,400sf), Presby System.**

Kevin Silva of S & K presented plans for a remedial upgrade of the system. Mr. Armendo said a bedroom count needed to be done, with Mr. Silva indicating he would arrange access; the well test was satisfactory.

**MOTION** by Ms. Amaral to approve with conditions including ConCom approval, confirmation of the bedroom count, a hold harmless agreement and three years of water testing; variances for well and basement setbacks and added condition of I/A deed notice, if needed. Seconded by Mr. Weinberg, the motion passed on a 3-0 roll call vote.

**6:40pm – Title V Waiver Hearing: SFG Associates for 26 S. Berryman Street, Heather Salva, for 3-Bedroom Repair (4,230sf) Bottomless Sand Filter w/AdvantexAX20 Model 3B Filter System.**

Brad Fitzgerald representing applicant, noted waivers and variances for location of system components and setbacks from road, well and side lines. Mr. Armendo expressed concerns about the one-foot setback from the road and recommended a survey to confirm front line and locations of abutter septic system.

Abutter Jody Freelove asked that his well be tested before the repair work and it was confirmed that would be done at applicant's expense.

**MOTION** by Ms. Ryden to continue the hearing to 6:50 p.m. on Feb. 8. Seconded by Ms. Amaral. The motion passed on a 3-0 roll call vote.

**6:50pm – Cont'd Title V Waiver Hearing from 1/11/21: Len Potter for 27 Second Street, Ruth Clayton & Mary Bradley, 2 Bedrooms (7,492sf), Quick 4.**

**MOTION** by Ms. Amaral to continue the hearing to 7 p.m. on Feb. 08, 2021, as requested by applicant. Seconded by Mr. Weinberg. The motion passed on a 3-0 roll call vote.

**7:00pm – Cont'd Title V Waiver Hearing from 1/11/21: Mt. Hope Eng. for 173 Donovan's Lane, Fred Berthoff, 2-Bedroom Repair (11,020sf) Flow Diffuser Bed with MFC Waiver.**

Two waivers were requested; it was noted that the assessor's records show only one bedroom.

**MOTION** by Ms. Amaral to approve the plan with waivers requested, conditions to include ConCom approval, receipt of a revised stamped plan; variances from setbacks to well and abutter's well; three years well testing and a two-bedroom deed restriction. Seconded by Mr. Weinberg. The motion passed on a 3-0 roll call vote.

**7:10pm – Title V Waiver Hearing: Len Potter for 39 Bridge Road, Jason Gray, 3-Bedroom Repair, (10,354sf) Quick 4 with MFC Waiver, WA & Estimates.**

**MOTION** by Mr. Weinberg for approval with variances for well setbacks; conditions including ConCom approval, MFC waiver, three years well testing, a hold harmless agreement and a three-bedroom deed restriction. Seconded by Ms. Amaral. The motion passed on a 3-0 roll call vote.

**TOPICS FOR THE NEXT REGULAR MEETING**

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None.

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

None.

**EXECUTIVE SESSION**

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**MOTION** by Ms. Ryden to adjourn the regular meeting and enter into Executive Session at 7:58 p.m. and not return to public session.

Chair declares an open meeting will have a detrimental effect to: **Discuss, approve and consider release for the Executive Session minutes of 09/03/2020 and 12/01/2020.** Seconded by Mr. Weinberg. The roll call vote was unanimous with all in favor.

The Regular Meeting of the Board of Health convened at 6:00 pm. by remote participation with the Chair announcing the meeting was being recorded.

**PRESENT:** Tanja Ryden, Chairman  
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 followed by the Pledge of Allegiance.
2. Ms. Ryden recognized the staff Matt Armendo, Joe Reis and Linda Pierce who helped make the Saturday vaccine clinic successful.

### **PUBLIC HEALTH NURSE PRESENTATION**

#### **Linda Pierce, RN**

1. Update on Coronavirus (COVID-19). There are 1,246 positive cases. She urged all to continue to wear masks, wash hands and social distance. Everyone still needs to be very careful of what we do and how we conduct ourselves around everyone.

### **DIRECTOR**

1. Written Report. No comments.
2. Update
  - COVID-19. Mr. Armendo reported partnering with Dartmouth Board of Health at the Dartmouth High School for last Saturday's vaccine clinic. The number vaccinated were 1,000 people. This week, on Wednesday and Thursday and Saturday, second doses will be administered to the first responders. Two of those clinics will be held at UMass Dartmouth and one at the Town Hall Annex. He said there have not been any significant problems with the vaccinations. No one has reported any adverse reactions to the vaccinations that he is aware of thus far. Dartmouth is going to have another large clinic this Saturday at Dartmouth High School. Persons 75 years and older are eligible for the vaccine in Phase Two-Step One, which includes healthcare workers, COVID facing healthcare workers-not non-COVID facing healthcare workers. Everyone in Phase 1 in the beginning of Phase 2 are now eligible to be vaccinated. Ms. Ryden stated that as soon as Dartmouth confirms the available doses, they will run the clinic. The BOH will post the information on the Department's webpage and send out an e-alert. The Pfizer vaccine is being administered and will continue to be dispensed. The second doses will be the Moderna vaccine for first responders. Dartmouth will remain with Pfizer.
  - Board of Health. The office is managing a best possible answering the questions coming in.
    - Pump Reports. No comments.
  - Animal Control. Continues to be busy and staff are doing a great job.
  - Transfer Station. Due to the snowstorm on Sunday, the station closed a few hours early for the safety of the staff as it was getting icy.
  - Septic Plan Approvals by Mr. Armendo. He summarized for the Board:

**Septic Plan Approvals:**

- (1) Revere Ct. 29/2Q
- (2) Fisher Rd. 21/17/22
- (3) Bentley Estates 5/18G
- (4) Drift Rd. 57/46
- (5) Tabor Ln. 57/8
- (6) Rita Ln. Ext. (6 lots) 42/1AM, 1AL, 1AH, 1AG, 1AJ, 1AN
- (7) Forsythia Ln. 28/196
- (8) Granite Post Rd. (4 lots) 69/10J, 10H, 10L, 10K
- (9) 236 Gifford Rd. 24/22/1
- (10) Pine Hill Rd. 41/5
- (11) Peckham Ln. 88/22A
- (12) 1 Quail Trail 85/28E
- (13) Strawberry Ln. 68/14K
- (14) Gifford Rd. 31/11/2
- (15) Sunset Ave. 16/81-95,99-103
- (16) Crane St. 24/27A
- (17) Meadowbrook Ln. 69/10G
- (18) 574 River Rd. 87/87A
- (19) Brookwood Dr. 70/11-56

**MOTION** by Ms. Ryden to accept plans listed and approved by Mr. Armendo subject to ConCom review for those that need it. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.

**MINUTES**

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1. Dec. 14, 2021. **MOTION** by Ms. Amaral to approve as amended. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.
2. Jan. 05, 2021. **MOTION** by Ms. Ryden to approve. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.
3. Jan. 11, 2021. **MOTION** by Ms. Amaral to approve. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.
4. Jan. 21, 2021. **MOTION** by Mr. Weinberg to approve. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.
5. Jan. 25, 2021. **MOTION** by Ms. Amaral to approve. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.

**OTHER BUSINESS**

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**Board Member Updates:**

Ms. Ryden stated that she realized through minutes review, that she had committed to drafting clarifications and updates on the Maximum Feasible Compliance Policy and a checklist in accordance with what was agreed upon in one of the working meetings. She has not been doing that because she has been working on vaccine material and other things but will bring that back to the Board as soon as she has something.

Secondly, she noted it is a new month and a Westport Health notes column is due. She asked if the

members had any suggestions or topics. She offered to write about vaccines if no one had anything for the column.

Lastly, regarding the outstanding minutes of the special August 14, 2020 minutes: these have not been completed because the recording is inaudible. She has some notes and asked anyone else for their notes to be able to create the minutes.

Ms. Amaral will be coordinating with the medical club at the High School. June is brain health month and she is working on the possibility of combining some educational components that are of public health interest and organizing collaboration with some other agencies or people in town to make an event happen. Hopefully, something could be organized in May so activities can be moved outdoors. Ms. Amaral will be working with Martin Costa for another public clean-up day. Last time, there were over 60 people involved. She said looking at the environment and taking care of the environment is part of public health.

She suggested to Mr. Weinberg if he would be willing to put together an article on the septic and community betterment programs and how these work. Members discussed timing it close to Town Meeting to give voters more information at that time. Ms. Amaral suggested a column on local public health and vaccines.

Mr. Weinberg discussed the betterment loan interest with Treasurer, Sue Brayton, and drafted a memo to send her. There are two issues being worked on. One is what would the interest rate be for the next tranche of \$500,000 that will be requested at Town Meeting. That warrant article does not need to state an interest rate in it; it does not have any of the programmatic requirements in it. It is a standard motion. The Board is still working on trying to come to a resolution about the desired interest rate, which all members have voted to be 3%.

There is the second tranche, which is the old betterment fund that does not need to be borrowed because it is in hand, which the BOH is trying to target for low and moderate income and preference for, in Ms. Ryden's opinion, for denitrification. There is also a warrant article that is subject to review by Town Counsel because it is not standard and the question about interest rate is there as well. The primary issue is the 3% interest rate and how the BOH would like to proceed.

Mr. Armendo looked them over and feels the Board should go in a different direction. All is subject to Town Counsel review. Discussion ensued. The 20 Fund account would need advice from Town Counsel.

## **SEPTIC PLAN REVIEW**

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### **1. 53 Greenfield Avenue (M-22/L-16; sf 20,037) Jayson & Lisa Hall, 3-Bedroom Repair, Quick 4 Infiltrator with MFC waiver.**

Wendy Henderson was before the Board and stated this lot is small at 20,037 square feet. The request is for a waiver to Maximum Feasible Compliance that the well is up gradient of the proposed septic system and there are no other variances or waivers requested.

Ms. Ryden asked if there was any recent water quality data. Ms. Henderson replied that the plan was submitted before the Board's recent meeting where the Board thought that it would be a good idea to have that in any case where there is any Maximum Feasible Compliance Waiver and therefore, there was no water analysis done.

Ms. Amaral stated that because it is a small lot, she recommended water testing. Ms. Ryden also felt the need to have water testing.

**MOTION** by Mr. Weinberg to approve plan dated 12-15-20 subject to a 3-bedroom deed restriction and submission of a water quality test. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.

Ms. Ryden asked the test be Title-V analysis to include fecal coliform, nitrates and ammonia.

Ms. Henderson noted that although not required, she submitted two bids that were both 10% over the value of the property.

### **APPOINTMENTS**

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#### **6:30pm – Title V Waiver Hearing: Sitec/CEC-Dan Aguiar for 1193 State Road, SDN Realty LLC, 5-Bedroom Repair (25,601sf), stone bed.**

Dan Aguiar was present from SITEC/CEC: this is a voluntary repair of an existing two family five bedroom home. There were two existing cesspools in the rear yard. The new owner proposed an upgrade to a stone bed capable of supporting a five bedroom home. With this flow, it would be a 22 foot by 44 foot leaching field. A retaining wall was installed with waterproof backing between the septic system and the adjacent wetland. The proposed system is 55 feet to the edge of the bordering vegetated wetland at its closest distance.

Variance requested:

-well setback reduction to the site well 72 feet vs. 100 feet.

Current well testing was submitted illustrating the potability of the water and compliance with Title-V requirements indicating no coliform and nitrate levels well below what is required by DEP. Under a local upgrade approval, the request is that the Board allow this setback reduction to the locus well. Mr. Armendo asked if an I/A system would be better suited and Mr. Aguiar stated that it would not due to size of the lot.

**MOTION** by Mr. Weinberg to approve the variance requested on plan dated 10-28-20 conditional on a Hold Harmless Agreement, a 5-bedroom Deed Restriction and 3-years of well testing on site well. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.

**6:40pm – Nothing scheduled for this time slot.**

**6:50pm – Cont'd Title V Waiver Hearing from 1/25/21: SFG Associates for 26 S. Berryman Street, Heather Salva, 3-Bedroom Repair (4,230sf) Bottomless Sand Filter w/ Advantex AX20 Model 3B Filter System.**

Pending documents are the survey and location of the abutter's SAS. Mr. Armendo said the documents may have been dropped off late this afternoon but has not yet seen them. Mr. Fitzgerald stated that the abutter's SAS is 25 feet off the property line. The packet that was dropped off this afternoon should have this information. He said that the abutter's fence looks like it may be 1 to 1.5 feet on the applicant's

property and that slowed the engineer's down. They are in touch with the abutter and working on resolving the fence issue. He asked for the plan to be conditionally approved so they can move forward with pricing and suggested holding the construction permit.

Ms. Ryden said one of the concerns was the roadway layout and making sure there was room to accommodate the distance from the front of the property to the roadway. He said that it is 10-11 feet away at this time and will not change. The house may shift a foot or two but the system will not.

Mr. Armendo would like the opportunity to look over what was dropped off to verify this information but it may still be outside the building in the drop box. Otherwise, he is of the opinion that if all checks out on the plans, then the Board could meet his request. It is difficult to do that now because it was delivered late and the Board has not had a chance to review any of it.

Mr. Weinberg suggested the motion reflects all required variances be listed on the plan. He asked if they could approve the plans without these being listed on the plan.

Ms. Ryden suggested listing all the variances now just to be clear for the benefit of any abutters present and for inclusion on the plan.

Ms. Amaral had concerns not having the survey before her and not knowing what they are dealing with is not helpful. She understands the urgency of the proposal and deferred to Mr. Armendo who knows what it needs and to make sure it is done correctly.

Ms. Ryden summarized the plan before the Board: it is on a very small lot and the proposal is for a denitrifying system as well as a secondary treatment unit and a bottomless sand filter. It is most likely the best system technologically and environmentally that can be installed for this very small lot.

Waivers requested are:

- Setback to roadway, 1 foot vs. 10 feet.
- Setback from abutting property line at 18 S. Berryman Street, 1 foot vs. 10 feet.
- Setback to site well, 50 feet vs 100 feet.
- Setback to well at 27 S. Berryman Street, 89 feet vs. 100 feet.
- Reduction of less than two inch in separation to water table of inlet and outlet T's.
- Allow for one deep hole instead of the requirement.

Variances requested are:

- Setback from SAS to site well, 40 feet vs. 50 feet.
- Setback from SAS to Advantex treatment unit to site well, 40 feet vs. 50 feet.

Ms. Ryden read the following conditions of approval that should be in the record:

- The plan is subject to verification by the Director upon final survey information;
- 3-bedroom Deed Restriction
- 3 years of well testing
- Hold Harmless Agreement
- ConCom review and approval
- Compliance with the conditions for the Bottomless Sand Filter and Advantex System
- Operations and Maintenance Agreement and test routine

- Monitoring testing reports to Barnstable.

Mr. Fitzgerald stated that once he has marked everything in the field, he would revise the plan to reflect it and be able to show the SAS next door with the separation of 24 feet to the property line.

Ms. Ryden stated the permit would not be released until all was in hand.

**MOTION** by Mr. Weinberg to approve plan dated 12-24-20 subject to submission of sufficient documentation to the Health Director's satisfaction, regarding the survey line to establish the appropriate distance required under Title-V from the property line and from the abutting SAS. These would be reflected in a revised plan; approval of the requested variances and local upgrades as detailed in plan; current plan compliance with the DEP approval for the IA system and for the bottomless sand filter; I/A deed notice; ConCom approval; three years of well testing for those wells that do not meet the setback requirements; hold harmless agreement and a three-bedroom deed restriction. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.

**7:00pm – Cont'd Title V Waiver Hearing from 1/25/21: Len Potter for 27 Second Street, Ruth Clayton & Mary Bradley, 2-Bedrooms (7,492sf), Quick 4. Engineer to request a continuance to Feb. 22, 2021.**

**MOTION** by Ms. Ryden to continue to 6:50pm on February 22, 2021. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.

#### **TOPICS FOR THE NEXT REGULAR MEETING**

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Ms. Ryden will prepare a checklist for standard I/A system conditions.

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

None.

**MOTION** by Ms. Amaral to adjourn the regular session at 7:31 p.m. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.

Submitted by Lucy R. Tabit, Recording Clerk

The Regular Meeting of the Board of Health convened at 6:00 pm. by remote participation with the Chair announcing the meeting was being recorded.

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

### **CHAIR'S ANNOUNCEMENT**

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

### **COVID-19 Update**

Mr. Armendo stated that the total number of confirmed cases in Westport, as of February 22 2021 is 1,329. Westport remains in the red zone. He said the data shows a continued downward trend and the town remains above the statewide average of case positivity metrics. Over the last couple of weeks, there has been a sharp decline in numbers of daily cases and he is hoping Westport will come out of the red zone this week.

Ms. Ryden gave a status report of what the BOH has done noting that they are at a standstill for the time being. The Westport Board of Health has represented the community by partnering with Dartmouth to do the first responder clinics and to do some public clinics at Dartmouth High School and a couple of Saturday public clinics. Those folks will be returning to Dartmouth High for their second dose of the Pfizer vaccine. Westport received an allocation of Moderna doses on February 9, 2021, which was turned around in just a few days. The fire department went out and did homebound visits to deliver vaccine to those who were unable to get out. In total, 204 doses were administered over three days. The Town was denied additional doses of the subsequent week.

She added, last week, the Governor announced when the opening of next phase of eligibility for age 65 and that Boards of health would no longer be able to receive vaccine effective March 1, 2021. Despite this, the BOH was denied any additional vaccines. The next priority phase of eligibility includes senior and low-income housing facilities in town. This is a separate allocation and she hopes there is a separate allocation for 65 and older or 75 and over. There are many people on the waiting list. She said the BOH could encourage focus their attention on trying to get appointments but not through the mass.gov vaccine scheduler. She noted a MA vaccination site opening Wednesday at the former Circuit City in Dartmouth however, they are booked through at least the first week in March. The best bet for mass vaccination site is Thursday mornings for the next round of appointments at Gillette, the Natick mall or the local site in North Dartmouth. People can try to get an appointment at one of those sites, but the best bet is to try on a Thursday morning. Pharmacies put up additional appointments on a daily basis. She said to try Walgreens and CVS, as well as the Stop and Shop pharmacies. The difficulty of trying to get appointments hopefully will improve and the BOH encourages folks to just have patience, the vaccine will be coming to you.

Ms Ryden gave a big shout out to staff, Matt Armendo in particular but also Linda Pierce, Joe and Donna and to those who volunteered at clinics, especially the Council on Aging and their volunteers, and the fire department EMTs who have been helping vaccinate at the clinics. It's really been a community collaboration and an effort to really step up and serve, especially our most vulnerable

residents as much as possible. It doesn't look like the BOH will be able to continue public clinics, locally. With that, there are plenty of other places.

Ms. Amaral thanked her for her organization, around the clinics, helping obtain vaccines and for volunteering at the clinics. She was glad Ms. Ryden talked about the collaborations in the community. Ms. Amaral noted there will be an article on the shorelines she and Ms. Ryden collaborated on to address obstacle in getting the vaccine and reinforcing community effort. She feels proud to be a small part of it. Thank you.

## **DIRECTOR**

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1. Written Report. No comments.
2. Update
  - Board of Health: The staff continues to work hard and have been these last 12 months. He extended his thanks to the staff with much appreciation.
  - Animal Control: Same as above.
  - Transfer Station: Operations are working well.
3. Septic Plan Approvals by the Director (detail list attached)
  - a. 46 Cape Bial Lane – this plan was not discussed, too soon to be on the agenda.
  - b. Bentley Lane 5/16B/3
  - c. Bergeron Lane 61/1/7
  - d. Cypress Lane 61/17P&R

**MOTION** by Mr. Weinberg to approve Mr. Armendo's review of the plans listed subject to ConCom review for those that need it. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.

## **MINUTES**

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1. October 7, 2020. **MOTION** by Ms. Amaral to approve as amended. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.
2. February 8, 2021. **MOTION** by Ms. Amaral to approve. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.

## **OTHER BUSINESS**

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1. Resignation of Tobacco Control Program Coordinator-Need to Unappoint for Westport as Agent. **MOTION** by Mr. Weinberg to unappoint Seth Baker effective February 13, 2021. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.
2. Nurse Request. Mr. Armendo stated that the BOH pull the request letter back, which asked for a 10 hours a week part timer to help with vaccines. Now that the BOH will no longer be getting the vaccines, the request has been retracted.
3. Board Member Updates:
  - a. Ms. Amaral attended a meeting with the medical club at the high school, who are planning an Alzheimer's walk on May 15, 2021. She is working with them and hopes collaborate

**Remote Participation Regular Meeting of the Board of Health**

with other clubs as well to have a health fair or other health educational efforts within the school department. She has emailed Mr. Aubin to suggest the School Department and BOH collaborate to support our mutual health initiatives. They have a few courses that address community participation and public health issues that the BOH could support. She joined Partners for a Healthier Community. She plans to participate in their monthly meetings to build relationships with organizations outside of the Westport that can support and promote other public health initiatives in town. It was very productive with about 30 participants from various towns. Ms. Amaral was the only participant from Westport.

- b. Ms. Amaral is working with Martin Costa from Town for another community cleanup similar to what was done before. This will occur sometime round the Alzheimer's walk and may create a wellness week. She feels both the walk and cleanup are good for our public and mental health and make us a closer community.
- c. Mr. Weinberg noted the shared system at Cadman's Neck is being looked at. He noted the Buzzards Bay Coalition circulated frequently asked questions and various representatives on the team comment on it so he assumes that will be posted shortly. He stated that the project is moving along. In the last few weeks, he picked up a case from Mr. Armendo involving a waste site cleanup up on State Road and worked to find a resolve with one of the members of the planning board that had questions about groundwater contamination and what was going on. He said all resolved itself successfully.
- d. Mr. Weinberg also noted working on a memo with Mr. Armendo on a more structured process for A/I systems and reviewing DEP approvals to understand which technologies require operations and maintenance agreements (tracked through Barnstable County). The Board should probably continue to work on the checklist at a future working meeting.
- e. Mr. Weinberg mentioned he is working with Mr. Armendo regarding the Francis Estate along with the proponents regarding the proposed large shared system and what the financial assurance mechanism is for long-term operation and maintenance. He asked if the entire proposed structure will work well in terms of establishing an escrow account and determining how much is deposited into the account. They are in the process of trying to have further discussions with the applicants' representative on that. He said he reached out to Korrin Peterson at the Buzzards Bay Coalition, just to see if there are some standard options for multi-unit developments on the Cape.

**APPOINTMENTS**

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**6:30pm** – Nothing Scheduled for this time.

**6:40pm** – **Title V Waiver Hearing: Wendy Henderson for Carl Bevilacqua for 135-R Cadman's Neck Road, Alan & Melissa Winsor, Tight Tank (3,790± sq. ft.)**

This is a small lot and the applicant is seeking the following local upgrade variances for seasonal use:

- Setback from tight tank to slab foundation, 3 ft. vs. 10 ft.
- Setback from tight tank to property line, 6 ft. vs. 10 ft.
- Setback from tight tank to coastal bank, 0 ft. vs 25 ft.

**MOTION** by Mr. Weinberg to approve variances requested on plan revised through 1-29-21 conditional on ConCom approval; one-bedroom deed restriction; Hold Harmless Agreement; Compliance with all provisions of Title-V, CMR 15, 2.60 for Tight Tanks. Seconded by Ms. Ryden. The vote was unanimous with all in favor by roll call.

**6:50pm – Cont’d Title V Waiver Hearing from 2/08/21: Len Potter for 27 Second Street, Ruth Clayton & Mary Bradley, 2-Bedrooms (7,492sf), Quick 4. Engineer to request a continuance to Feb. 22, 2021.**

**MOTION** by Mr. Weinberg to continue to March 8, 2021 at 6:50 pm. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.

**TOPICS FOR THE NEXT REGULAR MEETING**

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Members agreed to hold a working session meeting on March 10 at 10am.

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

None.

**MOTION** by Ms. Amaral to adjourn the regular session at 7:07 p.m. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.

Submitted by Lucy R. Tabit, Recording Clerk

The March 8, 2021 Regular Meeting of the Board of Health convened at 6:00 pm. by remote participation with Chair Tanja Ryden announcing that under the provisions of M.G.L., Chapter 30A, § 20(f): Meeting Being Recorded and noting that public participation in the meeting is allowed by remote access.

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

### **CHAIR'S ANNOUNCEMENT**

Under M.G.L., Chapter 30A, § 20(f): Meeting being recorded. The meeting commenced with the Pledge of Allegiance.

### **COVID-19 UPDATE**

Mr. Armendo indicated there were 1,376 confirmed cases of COVID-19 as of March 8, with no new reports of deaths or hospitalizations. Westport has now moved back down to the yellow category of the state's community ratings, though new cases continue to be above the state average. He noted that the second doses of vaccine for homebound residents and senior citizens were administered this week; following a successful partnership with Dartmouth on a community clinic at Dartmouth High School, the effort has been suspended due to the state's shut-off of vaccine supplies. The state now enters Step 2 of Phase 3 of pandemic regulations, with full details available to the public on the mass.gov website. Town Hall and the Town Hall Annex remain closed to the public with access by appointment only, requiring a call in advance for appointment scheduling.

The Chair noted that the Town is approaching the one-year "anniversary" of the Governor's declaration of a public health emergency in the Commonwealth after confirmation of initial COVID-19 cases. A month later, the number of confirmed cases had climbed to 25,000; a year later, Massachusetts has over 560,000 confirmed cases. The Chair indicated Westport had responded to the local outbreak early with a two-week quarantine policy for visitors arriving from the New York area, a facemask mandate and other preventative measures, but saw a pandemic surge in October that lasted through the end of the holiday season. Mourning the death of seven Westport residents and recording over 1,300 confirmed cases in the community, the Board continues its efforts to fight the pandemic locally and looks forward to brighter days ahead. The Chair expressed special thanks to the Health Department staff for their dedicated service and long hours put in during the pandemic and to the community at large for pulling together to support fellow residents in need during this crisis.

### **DIRECTOR**

1. Written Report: There were no comments on the Director's written report.
2. Update:
  - Board of Health: Mr. Armendo reported that the department is still very busy dealing with pandemic related issues.
    - a.) Pump Reports
  - Animal Control: In addition to the Animal Control department's regular report, Mr. Armendo noted the unusual case of a swan being rescued from the ice, taken to a rehabilitation center for treatment and later released back into the wild.

➤ Transfer Station: Operations running smoothly.

3. Septic Plan Approvals by the Director:

➤ Drift Road (56A/62) R. Sykes & D. Brown (received 1/29/21). Mr. Armendo noted this was an application for new construction and there were no issues with the plans.

**MOTION** by Ms. Ryden to approve the plans as submitted. Seconded by Ms. Amaral. The vote was unanimous in favor by roll call.

## **MINUTES**

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NONE

## **OTHER BUSINESS**

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1. Title 5 Inspection: 18 E Drive – High Nitrates (10.9): The Director reported that there was no obvious signs of system failure; the current system on the 13,200 square foot lot was installed in 2010. Nitrate levels were 7.81 in 2013; increased to 10.9 in recent test. He believes the continuing high numbers are due to neighborhood conditions – high density, many small lots, etc. and recommends installing a denitrification system on the well. The property owners understand the well water is unsafe to drink; abutters will be advised by letter that testing of their wells is recommended. **MOTION** by Ms. Ryden to pass the Title 5 Inspection, with the condition that the plan for the well denitrification system be filed within 30 days. Seconded by Mr. Weinberg. The vote was unanimous in favor by roll call.
2. Director's COVID Related Compensation: Recognizing the extra efforts of the Health Director during the pandemic and his continuing dedication to the outstanding performance of his duties, the Board feels he is entitled to additional compensation. The Chair indicated that proper procedure had not been followed when the Board approved additional compensation for the Director and offered a motion that would allow selectmen to amend the Director's contract. **MOTION** by Ms. Ryden: I move that the Board supports additional COVID-related compensation for the Director and that we formally vote to request the Board of Selectmen amend Matt's contract to authorize such compensation – with the specific details to be negotiated. Seconded by Ms. Amaral. The vote was unanimous in favor by roll call.
3. I/A Training URI – Director reported his attendance at a second training session on innovative and alternative technologies for wastewater treatment; he is signed up for a third session in the fall. He noted that I/A systems are already being installed all over Westport and he is learning a lot about the technologies available in the industry through the training sessions.
4. Equine/Swine Permits (Eff. 5/1/2021 - 4/30/22) – Noting that the inspection and permitting process for equine and swine permits had been suspended last year because of the pandemic, the Chair asked if the one-year extension of permits should be continued for another season or reinstated for the period of May 1, 2021 to April 30, 2022. Mr. Armendo said he believes the inspections can be done safely and asked that the department be authorized to send out renewal applications to current permit holders. **MOTION** by Ms. Amaral to reinstate the normal equine and swine permit process for the period of May 1, 2021 to April 30, 2022. Seconded by Mr. Weinberg. The vote was unanimous in favor by roll call.

5. Board Member Updates: Mr. Weinberg provided an update on the cluster-treatment system study for Cadman's Neck, including options for three suitable treatment systems; all three systems had high cost estimates. A draft report on two potential sites for a cluster treatment system, and financial costs will be coming soon. He reported no news on the East Beach Vulnerability study. He indicated that DEP has been asked to reduce the monitoring requirements for the closed landfill; an estimate of potential savings from reduced monitoring will be provided at the next meeting.

Ms. Amaral reported on her continuing efforts with Westport High School students on an Alzheimer's disease fundraising walk, planned for May 15. She asked for the Board's approval of a letter of support for the outdoor event. Mr. Armendo indicated that Phase 4 pandemic regulations will allow those types of outdoor events by that time. The Chair asked that consideration of a vote of support be placed on the agenda of the next meeting. Ms. Amaral said she is also working on planning for a community clean up on May 22, and looking for suggestions for other Saturday events.

### SEPTIC PLAN REVIEW

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1. **113 Plymouth Blvd. (M-18A/L-28; S.F. 17,908±) Mackenzie Long, 3-Bedroom Repair, Quick 4 Infiltrator with Singulair Model TNT 500 Septic System.** Mr. Armendo recommended the repair plan be approved with conditions including a three-bedroom deed restriction, O&M tests, and a verification that the site will not exceed three bedrooms. **MOTION** by Mr. Weinberg to approve the repair plan, with conditions including Conservation Commission approval, DEP approval letter, O&M agreement and a three-bedroom deed restriction. Seconded by Ms. Amaral. The vote was unanimous in favor by roll call.
2. **1990 Main Road (M-58/L-24; 2.3 Acres) Catherine & Victoria Reppert, 3-Bedroom Repair, Quick 4 Infiltrator Septic System.** Mr. Armendo recommended approval of the plans for the cesspool replacement. **MOTION** by Ms. Amaral to approve the repair plan, conditioned on Conservation Commission approval. Seconded by Mr. Weinberg. The vote was unanimous in favor by roll call.
3. **118 Tickle Road (M-21/L-11J: S.F. 20,995) Palmer Family, 3-Bedroom Repair, Quick 4 Infiltrator with Singulair Green 600 Septic System.** Wendy Henderson representing the Palmer family, seeking a waiver allowing a sieve analysis instead of a perc test for the denitrification system proposed. **MOTION** by Ms. Ryden to approve the repair plan, with conditions including Conservation Commission approval, use of sieve analysis, O&M agreement, DEP approval letter, and three-bedroom deed restriction. Seconded by Ms. Amaral. The vote was unanimous in favor by roll call.
4. **47 Davis Road (M-5/L-6A; S.F. 34,848) Luis & Mary Lou Pacheco, 3-Bedroom New Construction, ADS Arc 36 Septic System.** Mr. Armendo indicated some information was missing on the plans submitted and some notes were too small to be read, which require the plans to be revised and resubmitted. **MOTION** by Mr. Weinberg to approve the plans with the revisions requested by the director. Seconded by Ms. Amaral. The vote was unanimous by roll call.

### APPOINTMENTS

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**6:30pm** – Appointment Cancelled.

**6:40pm – Title V Waiver Hearing: Len Potter for 255 Howland Road, Juanita Pesant, 3-Bedrooms (29,010 s.f.), Quick 4 Infiltrator SAS with Water Analysis & MFC Waiver Form.**

Mr. Potter offered details on plans for a 1,500-gallon tank and leaching system four feet above the water table. A waiver requested for the well setback, as the new system will be 85 feet from the well.

Mr. Armendo indicated the waiver is appropriate because of site conditions and a deed restriction for three bedrooms is advised. With the small lot size and high nitrate levels, the MFC waiver and options for a denitrification system requirement were discussed; the Chair indicated that a denitrification system cannot be mandated for a repair situation, but a voluntary upgrade by the property owners should be encouraged. Mr. Potter said he would discuss the option with his client.

**MOTION** by Mr. Weinberg to approve the repair application with the well distance waiver, conditioned on Conservation Commission approval, three years of well testing and a three-bedroom deed restriction. Seconded by Ms. Amaral. The vote was unanimous in favor by roll call.

**6:50pm – Cont'd Title V Waiver Hearing from 2/22/21: Len Potter for 27 Second Street, Ruth Clayton & Mary Bradley, 2-Bedrooms (7,492 s.f.), SAS-Quick 4 with Advantex AX-20.**

Mr. Potter indicated that a denitrification system is required; and requested variances for the depth of the bottom of the system; sideline setbacks; and distance to abutter's wells (50 to 80 feet). It was unclear whether the reduced distance to groundwater were allowed under DEP regulations and clarification from the agency will be sought.

**MOTION** by Ms. Ryden to continue the hearing until 7 p.m. on March 22. Seconded by Mr. Weinberg. The vote was unanimous in favor by roll call.

**TOPICS FOR THE NEXT REGULAR MEETING**

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NONE

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

NONE

**MOTION** by Ms. Amaral to adjourn the meeting at 7:36 p.m. Seconded by Mr. Weinberg. The vote was unanimous by roll call.

Submitted by Robert Barboza, Interim Recording Clerk

The Regular Meeting of the Board of Health convened at 10:00 a.m. by remote participation with the Chair announcing the meeting was being recorded and noting the meeting is remote.

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

**CHAIR'S ANNOUNCEMENT**

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Under M.G.L., Chapter 30A, § 20(f): Meeting is being recorded.

**OTHER BUSINESS**

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1. **Maximum Feasible Compliance** – Discussion of how to clarify and standardize current policy. Board agreed to require water tests for all undersized lots in order to fully evaluate the site conditions. The MFC checklist will be modified to add information regarding gradients, IWPA and Zone II information for the site as well. Phil Weinberg will work on revisions to policy and review triggers.
2. **A/I - Technology Procedures** – Reviewed draft I/A approval conditions documents. Phil Weinberg will work on standard approval conditions checklist and Tanja Ryden will refine the denitrification approval list.

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

None

**MOTION** by Ms. Amaral at 11:01 p.m. to adjourn the special meeting. Seconded by Mr. Weinberg. The motion passed unanimously by roll call vote.

Submitted by Tanja Ryden, Chair

The March 22, 2021 Regular Meeting of the Board of Health convened at 6:00 pm. by remote participation with Chair Tanja Ryden announcing that under the provisions of M.G.L., Chapter 30A, § 20(f): Meeting Being Recorded, and noting that public participation in the meeting is allowed by remote access.

**PRESENT:** Tanja Ryden, Chair  
Donna M. Amaral, Secretary  
Matthew J. Armendo, Director

**ABSENT:** Philip M. Weinberg, Vice Chair

### **CHAIR'S ANNOUNCEMENT**

1. Under M.G.L., Chapter 30A, § 20(f): Meeting Being Recorded. The meeting commenced with the Pledge of Allegiance.

### **COVID-19 UPDATE**

Mr. Armendo reported there were 1,413 confirmed cases of COVID-19 as of March 22, with no new reports of deaths or hospitalizations. Westport has now been in the Yellow category of the state's community ratings for four weeks.

As of March 17, the state reported that 4,913 Westport residents have been fully or partially vaccinated. With the unexpected receipt of 100 doses of Johnson & Johnson vaccine from another community, the Health Department was able to provide vaccinations to residents at Edgewater Apartments, teachers and homebound residents.

He noted that updates of state pandemic regulations, business restrictions, and gathering guidelines are available to the public on the mass.gov website.

Town Hall and the Town Hall Annex remain closed to the public, with access by appointment only, requiring an advance call for appointment scheduling.

### **DIRECTOR**

1. Written Report: There were no questions on the Director's written report.
2. Update:
  - Board of Health: Mr. Armendo reported that the department is still very busy dealing with pandemic related issues, in addition to its regular duties.
    - a.) Pump Reports
  - Animal Control
  - Transfer Station

### **MINUTES**

Ms. Amaral suggested the minutes be held until Mr. Weinberg was present. Agenda item passed over.

## Remote Participation Regular Meeting of the Board of Health

**OTHER BUSINESS**

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1. Transfer Station Employee Resignation: Mr. Armendo reported the unexpected resignation of a Transfer Station employee and another employee (BOH Staff) expected to be out for several weeks; an employee was “borrowed” from the Cemetery Department to help provide coverage at the Transfer Station. He asked that the vacant position be posted as soon as possible. **MOTION** by Ms. Amaral to post the position. Seconded by Ms. Ryden. The vote was 2-0 in favor by roll call.
2. Transfer Station Closing for Easter Sunday: Mr. Armendo indicated that the employee contract does not include the holiday; he recommended closing the Transfer Station on the holiday. (Note: The employees are to use vacation or personal time for compensation.) **MOTION** by Ms. Ryden to close the Transfer Station on Sunday, April 4. Seconded by Ms. Amaral. The vote was 2-0 in favor by roll call.
3. Budget Update: The chair indicated the FY 2022 budget has been reviewed by the Town Administrator and has been sent by Selectmen to the Finance Committee for further review. The Finance Committee has scheduled a March 30 meeting with the Board of Health to discuss the proposed budget. The chair noted that the biggest increase in the proposed budget is a \$40,000 increase in waste tipping fees, an unexpected hike in expenses.
4. April Schedule-2<sup>nd</sup> Meeting Falls on Patriot’s Day, April 19: The first meeting of the month is scheduled for Monday, April 5; it was suggested that the second meeting of the month be held on April 20. **MOTION** by Ms. Ryden to schedule meeting at 4 or 6 p.m. on April 20. Seconded by Ms. Amaral. The vote was 2-0 in favor by roll call.
5. Discuss Scheduling a Working Meeting: It was decided to try for a work session at 1:30 p.m. on March 25, if Mr. Weinberg was available. The topic will be continued discussion of Maximum Feasible Compliance policy and I/A septic systems.
6. Board Member Updates: Ms. Amaral suggested that topics on Mental Health Awareness Month in May should be on the next agenda. She noted that a recent state survey shows that mental health issues such as anxiety and depression are shown in all demographic groups during the pandemic and the Board should be promoting ways for community “connecting and contributing” while pandemic conditions exist.

She noted she is working with the high school Medical Club to promote an Alzheimer’s Awareness Walk in May and on the community spring clean-up. She has asked the Recreation Director and the public to suggest other worthwhile community events in May and asked for a formal letter of support from the Board of Health for the Alzheimer’s Awareness Walk.

**MOTION** by Ms. Ryden to officially support the Alzheimer’s Awareness Walk, subject to CVOID compliance with COVID protocols. Seconded by Ms. Amaral. The vote was 2-0 in favor by roll call.

**Remote Participation Regular Meeting of the Board of Health****APPOINTMENTS****6:20pm – Discussion: Westport Bike & Walking Path Committee: Bicycle Recycling.**

Bike & Walking Path Committee member Bette Low reviewed the committee's offer to revise the informal bicycle recycling program at the Transfer Station by transporting unclaimed bikes to New Bedford for repairs and refurbishing.

She noted that the repair shop, Yesteryear Cycles, donates some of the repaired bikes to the New Bedford Police Department for its giveaway program.

Ms. Ryden said she supported the effort to keep old bikes out of the metal recycling bins.

Ms. Low said the committee is planning a Recycle Your Bicycle Day for the first week of May in conjunction with the WRWA's scheduled electronics recycling event.

**MOTION** by Ms. Ryden to endorse the recommendations of the Bike & Walking Path Committee and dedicate a spot at the transfer station for bicycle donations and pickup. Seconded by Ms. Amaral. The vote was 2-0 in favor by roll call.

**6:30pm – Waiver Hearing: Mark Rodrigues for 162-D Pettey Lane, Cervelle Realty LLC, Three-Bedroom Septic Repair (12,500± sf), Stone Bed with Singulair TNT-500.**

Engineer Mark Rodrigues indicated his client is seeking two waivers – a setback of 81 feet to the abutter's well, and a setback of 82 feet to the owner's well.

Mr. Armendo noted that the home is used seasonally and recommended well testing be undertaken between April and October. The engineer said Mr. Armendo should set the schedule for nitrogen testing twice per year and annual well testing for three years.

Ms. Ryden wanted more information on why the leaching field was located in the right of way; the engineer indicated the sites further from the river were too steep and too rocky for the septic system.

**MOTION** by Ms. Amaral to approve the repair plan with the requested waivers. Seconded by Ms. Ryden. Conditions to include Conservation Commission approvals, a three-bedroom deed restriction, three years of well testing, operating and maintenance agreement and a hold harmless agreement. The vote was 2-0 in favor by roll call.

**6:40pm – Waiver Hearing: Sitec - Dan Aguiar for 2043 Main Road, Pierce Realty Trust, One-Bedroom Septic Repair (8,580 sf), Quick 4 Infiltrator with MicroFAST 0.90 System.**

Mr. Aguiar said the repair plan called for the removal of two failed cesspools and requested waivers to allow a sieve test instead of a percolation test; setbacks of 51 feet from holding tank to the southern abutter's well and 65 feet to the shared well for the property.

He referenced January 2019 Conservation Commission approval for the work and indicated a willingness to execute a one-bedroom deed restriction.

Because of differences from the 2019 plans and the need for an additional variance for distance to septic tank, Mr. Armendo felt new abutter notifications needed to be sent out.

Ms. Ryden questioned whether the projected flows were 205 gallons or 220 gallons per day, as some submitted material showed different flow numbers.

**MOTION** by Ms. Amaral to continue the hearing until 6:40 p.m. on April 5. Seconded by Ms. Ryden. The vote was 2-0 in favor by roll call.

**Remote Participation Regular Meeting of the Board of Health**

The applicant was advised to provide revised plans, indicating a one-bedroom deed restriction, owners' acknowledgement of maintenance requirements, operating, testing and maintenance agreement, three years of well testing. Abutter Susanne Carter Peck asked about the well testing requirements and the notification process for tests done on her shared well. Mr. Aguiar indicated initial tests were from the other house but Ms. Peck's water would also be tested and results reported.

**6:50pm – Waiver Hearing: Wendy Henderson representing owner/buyer of 135-Q Cadman's Neck Road, Three-Bedroom Septic Repair (2,980sf), 3,000-gallon Tight Tank.**

Ms. Henderson said the requested waivers were for a property line setback of six feet on the south side, and a one-foot setback from the coastal bank. Mr. Armendo noted a pumping contract will be required, and the plans were subject to Conservation Commission approval.

**MOTION** by Ms. Amaral to approve the plans with the requested waivers for setbacks to the property line and coastal bank. Conditions to include Conservation Commission approval, three-bedroom deed restriction, operating and maintenance agreement and letter of compliance with tight tank regulations. Seconded by Ms. Ryden. The vote was 2-0 in favor by roll call.

**7:00pm - Cont'd Title V Waiver Hearing from 3/08/21: Len Potter for 27 Second Street, Ruth Clayton & Mary Bradley, Two-Bedroom Septic Repair (7,492 sf), SAS-Quick 4 with Advantex AX-20.**

The applicant's engineer requested a continuation of the hearing.

**MOTION** by Ms. Ryden to continue the hearing to 6:50 p.m. on April 5. Seconded by Ms. Amaral. The vote was 2-0 in favor by roll call.

**7:10pm – Appeal Hearing: Property Owner Requested Appeal for Order to Correct on the Failed Septic System at 23 Oakland Street, Kaila Harris, Trustee.**

Mr. Timothy Barreira, property manager, indicated the house is not occupied and asked that the order relative to monthly pumping be suspended; he agreed to monthly pumping when the house is occupied. Mr. Armendo said the house is being renovated and seems unoccupied; he agreed that the monthly pumping requirement could be suspended at this time upon inspection to confirm no functioning toilet.

Ms. Ryden asked that the BOH agent be allowed to inspect the house and the property manager agreed to provide access. Mr. Armendo said he would amend the order after the agent's inspection report.

**7:20pm – Waiver Hearing: Len Potter for 1634-Q Drift Road, James LaBelle-Owner/Tracy Champlin-Buyer, Two-Bedroom Septic Repair (15,000 sf), Quick 4 Infiltrator, MFC Waiver Form with Water Analysis.**

Mr. Potter reported low nitrate numbers from tests and asked for a waiver for a 63-foot well setback based on site conditions and water quality results.

**MOTION** by Ms. Amaral to approve the repair plan with the requested variance. Conditions to include Conservation Commission approval, a two-bedroom deed restriction, hold harmless agreement and three years of well testing. Seconded by Ms. Ryden. The vote was 2-0 in favor by roll call.

**TOPICS FOR THE NEXT REGULAR MEETING**

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Potential Mental Health Awareness Month activities.

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

NONE

**MOTION** by Ms. Amaral to adjourn the meeting at 7:31 p.m. Seconded by Ms. Ryden. The vote was unanimous, 2-0, by roll call.

Submitted by Robert Barboza, Recording Clerk

The Regular Meeting of the Board of Health convened at 6:00 p.m. with the Pledge of Allegiance.

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

### **CHAIR'S ANNOUNCEMENT**

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1. Under M.G.L., Chapter 30A, § 20(f): Meeting Being Recorded. The Chair also read the notice of the Governor's order allowing for remote participation in public meetings and led the meeting in the recitation of the Pledge of Allegiance.

### **COVID-19 UPDATE**

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Mr. Armendo reported 1,449 confirmed cases of coronavirus as of April 5, 2021 with the town still in the state's Yellow Risk Category but nearing the Red Risk Category. He urged residents to remain vigilant in efforts to combat the virus, including practicing social distancing, wearing masks and frequently washing hands. The state reported 5,373 residents partially or fully vaccinated as of April 1, representing 32 percent of the resident population.

Mr. Armendo noted that the Board of Health and Fire Department cooperated in the vaccinations of 280 eligible residents at the high school on March 29, using vaccine supplied by Westport Apothecary. He also reviewed the new guidelines for vaccinations, the Mass. downgrade of travel restrictions and quarantine rules and other changes in state regulations and urged residents going to the polls for the April 13 annual town election to follow the proper health precautions. He noted that the Town Hall and Town Hall Annex remain closed to the public with admittance by appointment only.

Ms. Ryden cited news reports indicating that the Brazilian variant of the coronavirus is spreading rapidly in Massachusetts. She noted the variant is more easily spread so it is important that residents continue with good health practices to help prevent new cases.

### **DIRECTOR**

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1. Written Report: No questions from the board.
2. Update
  - Board of Health
    - a.) Pump Reports
  - Animal Control
  - Transfer Station

Mr. Armendo reported that the Board of Health staff remains busy, processing many filings of septic system plans, renewing food service permits and answering questions from residents and business owners about changing public gathering guidelines. He indicated the Animal Control Dept. is also busy, working seven days per week, but has no major operating issues. The staff at the Transfer Station remains short-handed with only two employees manning the station. He

also reported several second dose vaccination clinics planned for the coming week and a Red Cross blood donation drive planned at the Annex on April 8.

## MINUTES

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1. August 14, 2020. **MOTION** by Mr. Weinberg to approve the minutes of the Aug. 14, 2020 special meeting. Seconded by Ms. Amaral. The vote was 3-0 in favor by roll call; Mr. Weinberg, Aye; Ms. Ryden, Aye; Ms. Amaral, Aye.
2. February 22, 2021. Ms. Amaral suggested several amendments to the minutes and was asked to send them in writing to the director.
3. March 08, 2021. **MOTION** by Ms. Ryden to approve the minutes with an amendment changing the text regarding the 27 Second Street plan approval to read: “unclear whether the reduction in distance to the ground water were allowed by DEP regulations.” Seconded by Mr. Weinberg. The vote was 3-0 in favor by roll call; Mr. Weinberg, Aye; Ms. Ryden, Aye; Ms. Amaral, Aye.
4. March 22, 2021. **MOTION** by Mr. Weinberg to approve the minutes as presented. Seconded by Ms. Ryden. The vote was 3-0 in favor by roll call; Mr. Weinberg, Aye; Ms. Ryden, Aye; Ms. Amaral, Aye.

## OTHER BUSINESS

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1. Authorization for Transfer Station Vacant Position: Mr. Armendo indicated the Town Administrator is proposing a change in the job description; the director feels the current job description is suitable for the position to be filled and the opening should be posted as soon as possible since there are only two employees left working. The Chair felt that the proposed changes in the job description could be discussed with the Town Administrator or BOS at a later date.

**MOTION** by Ms. Ryden to approve the posting of the current monitor’s position vacancy. Seconded by Ms. Amaral. The vote was 3-0 in favor by roll call; Mr. Weinberg, Aye; Ms. Ryden, Aye; Ms. Amaral, Aye.

2. Discuss Scheduling a Working Meeting: It was decided that 10 a.m. on April 14 would be a suitable date for a working meeting to continue reviewing MFC policies.
3. Alzheimer Walk: Ms. Amaral noted that the BOS had approved the request to use town roads for the Alzheimer Awareness Walk, contingent on meeting group gathering guidelines.
4. Board Member Updates:

Mr. Weinberg reported on his recent visit to the Town landfill with a DEP inspector; he recommended the Board undertake the well tests sought by DEP. Mr. Weinberg also updated the Board on neighborhood treatment system governance issues being debated and a report on the study detailing climate change vulnerability issues at East Beach.

Ms. Amaral reported on the initiatives for Mental Health Awareness Month that she is working on with weekend events planned throughout May. She is also writing a series of columns on mental health issues to be published in the Shorelines newspaper in May.

Ms. Ryden reported on the presentation of the Fiscal Year 2022 budget to the Finance Committee and discussions of the three BOH sponsored warrant articles for the Annual

Town Meeting. She also met with the Bike/Walking Path Committee to finalize plans for the bike repair and exchange program being established at the Transfer Station.

### SEPTIC PLAN REVIEWS

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1. Sanford Road (M-18/L-10/SL-2; s.f. 61,629) David & Janice Arruda, 4-Bedroom New Construction, Quick 4 Infiltrator (Southcoast Engineering). Mr. Armendo indicated the submitted plans were acceptable, but he was waiting on an approval letter. **MOTION** by Mr. Weinberg to approve new construction plans, conditioned on Conservation Commission approval, compliance with alternatives to SAS conditions. Seconded by Ms. Ryden. The vote was 3-0 in favor by roll call; Mr. Weinberg, Aye; Ms. Ryden, Aye; Ms. Amaral, Aye.
2. Horseneck Road (M-49/L-7F; 92,752 s.f.) Kathleen Maclean, 3-Bedroom New Construction, ADS Arc 3 LP with Singulair (Southcoast Engineering). It was noted that revised plans will be submitted. **MOTION** by Ms. Ryden to continue the review at the April 20 meeting. Seconded by Mr. Weinberg. The vote was 3-0 in favor by roll call. The vote was 2-0 in favor by roll call; Mr. Weinberg, Aye; Ms. Ryden, Aye; Ms. Amaral, Aye.
3. 57 Plymouth Blvd. (M-18/L83; 19,000 s.f.) William & Kendra Stack, 3-Bedroom Repair, Presby System with MFC Waiver. George Ayoub representing the owner, explained the benefits of the Presby System and requested a MFC waiver. Ms. Ryden noted the repair would not require an operating and maintenance agreement. **MOTION** by Ms. Ryden to approve the repair plans with conditions including I/A deed disclosure, three-bedroom deed restriction, owner's acknowledgment of responsibility. Seconded by Mr. Weinberg. The vote was 3-0 in favor by roll call; Mr. Weinberg, Aye; Ms. Ryden, Aye; Ms. Amaral, Aye.
4. 356 Tickle Road (M-21/L-2AB; 20,027 s.f.) Augustine Camara, 3-Bedroom Repair, Quick 4 Infiltrator with Singulair Green 600 with Sieve Analysis. Wendy Henderson presented plans for Singulair Green 600 system, noting high water table required a waiver for use of sieve analysis. **MOTION** by Mr. Weinberg to approve the repair plan with sieve analysis waiver, with conditions including operating and maintenance agreement, three years of water testing, I/A deed notice, three-bedroom deed restriction, Conservation Commission approval, compliance with SAS requirements, total nitrogen testing twice per year. Seconded by Ms. Ryden. The vote was 3-0 in favor by roll call; Mr. Weinberg, Aye; Ms. Ryden, Aye; Ms. Amaral, Aye.
5. 1735 Drift Road (M-57/L-38C; 72,419 s.f.) Devlin Nominee Trust, 2-Bedroom Repair, Presby (Southcoast Engineering). Mr. Armendo indicated the design met the standard conditions for Presby System use and no I/A deed notice was required. **MOTION** by Mr. Weinberg to approve the repair plan with conditions including two-bedroom deed restriction, compliance with DEP's Presby System requirements, compliance with remedial SAS standards, owner's acknowledgement of responsibility. Seconded by Ms. Amaral. The vote was 3-0 in favor by roll call; Mr. Weinberg, Aye; Ms. Ryden, Aye; Ms. Amaral, Aye.
6. 27 University Drive (M-22/L-29F; 21,200 s.f.) Lucien Simone Blanchette, 3-Bedroom Repair, Presby with MFC waiver. George Ayoub presented plans for Presby System installation with a request for MFC waiver. Ms. Ryden cited the 8.26 nitrate level in the well test and noted the increased flow of a third bedroom will require meeting new construction standards; the location is outside the watershed protection area so will not have to meet

denitrification system requirement. Mr. Weinberg indicated the lot size does not meet standards for three bedroom system and the plans will have to be revised.

**MOTION** by Mr. Weinberg to continue the review to April 20. Seconded by Ms. Amaral. The vote was 3-0 in favor by roll call; Mr. Weinberg, Aye; Ms. Ryden, Aye; Ms. Amaral, Aye.

## **APPOINTMENTS**

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### **6:30pm – Waiver Hearing: Oakhill Eng. for 54 Robert Street, David Silva, 3-Bedroom Septic Repair (20,000± sf), GeoMat Leaching System with MFC Waiver.**

Mark Mariano representing the owner, made a presentation outlining the variances requested, including separation from groundwater, reduction of inlet and outlet locations; and reported no contamination in the well test.

Mr. Armendo indicated that no MFC waiver was needed. Ms. Amaral cited the 8.05 nitrate level in the water, triggering the requirement for a denitrification system. Mr. Mariano was asked to deliver cost comparisons between a conventional system and a denitrification system and check distances to neighboring septic systems, which may be contributing to the high nitrate level.

**MOTION** by Ms. Ryden to continue the hearing to 4:40 p.m. on April 20. Seconded by Mr. Weinberg. The vote was 3-0 in favor by roll call; Mr. Weinberg, Aye; Ms. Ryden, Aye; Ms. Amaral, Aye.

### **6:40pm – Waiver Hearing-Continued from 3/22/21: Sitec - Dan Aguiar for 2043 Main Road, Pierce Realty Trust, One-Bedroom Septic Repair (8,580 sf), Quick 4 Infiltrator with MicroFAST 0.90 System.**

Mr. Aguiar presented revised plans for repair, showing increased chambers (36) and increased setbacks between components and wells.

Mr. Armendo indicated the engineers had met all requests for revisions to original plans. Mr. Weinberg suggested that a Title V variance was needed because of the system being less than 50 feet from a well; Mr. Aguiar said he would revise the plans to meet the 50 foot setback. Abutter, Susanne Peck, asked for assurances that the boat launching easement across the property would not be impacted by the project and that assurance was given by the engineer.

**MOTION** by Ms. Ryden to continue the hearing to 4:50 p.m. on April 20. Seconded by Ms. Amaral. The vote was 3-0 in favor by roll call; Mr. Weinberg, Aye; Ms. Ryden, Aye; Ms. Amaral, Aye.

### **6:50pm – Waiver Hearing: Cont'd Title V Waiver Hearing from 3/22/21: Len Potter for 27 Second Street, Ruth Clayton & Mary Bradley, Two-Bedroom Septic Repair (7,492 sf), SAS-Quick 4 with Advantex AX-20.**

**MOTION** by Ms. Ryden to continue the hearing to 4:30 p.m. on April 20. Seconded by Ms. Amaral. The vote was 3-0 in favor by roll call; Mr. Weinberg, Aye; Ms. Ryden, Aye; Ms. Amaral, Aye.

**7:00pm - Waiver Hearing: Alex Gorodetsky, 10 Second Avenue, Steve Cabral, 2-Bedroom Septic Repair (12,800 sf), SAS-Eljen with MFC Waiver.**

Mr. Gorodetsky presented repair plans for the failed system, requesting MFC waiver, variances for property line setback (6 feet); well setback (65 feet); and street setback.

Ms. Ryden asked that a note indicating the site was an Interim Wellhead Protection Area (IWPA) and I/A deed approval section be added to the plans.

**MOTION** by Mr. Weinberg to approve the plans with MFC waiver, and variances for property line, road and well setbacks. Conditions including I/A deed notice, Conservation Commission approval, two-bedroom deed restriction, owner's acknowledgment of responsibility, hold harmless agreement. Amended to require IWPA note be added to the plans. Seconded by Ms. Amaral. The vote was 3-0 in favor by roll call; Mr. Weinberg, Aye; Ms. Ryden, Aye; Ms. Amaral, Aye.

**7:10pm – Waiver Hearing: Alex Gorodetsky for 654 State Road, R & R Construction Remodeling LLC, 3-Bedroom Septic Repair (16,958 s.f.), SAS-Eljen Geotextile Sand Filter.**

Mr. Gorodetsky indicated the plans meet setbacks for abutter wells, but system is only 50 feet from existing upgradient shallow well. He requested three locational variances for distances – cellar wall, porch wall and onsite well; agreed to reduce size of leaching field beds to meet 50 foot setback from well. Ms. Ryden asked for confirmation that accessory building did not contain a bedroom and was advised it was a garage with no bedroom.

**MOTION** by Ms. Ryden to approve the repair plan, contingent on receipt of revised filing with general note indicating site is in IWPA; with three variances requested; and conditions including Conservation Commission approval, Title V variance, 3-bedroom deed restriction, meeting standard conditions for remedial use of SAS and DEP approval letter for Eljen System. Seconded by Ms. Amaral. The vote was 3-0 in favor by roll call; Mr. Weinberg, Aye; Ms. Ryden, Aye; Ms. Amaral, Aye.

**TOPICS FOR THE NEXT REGULAR MEETING**

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

**MOTION** by Ms. Amaral to adjourn the meeting at 8:42 p.m. Seconded by Mr. Weinberg. The vote was 3-0 in favor by roll call; Mr. Weinberg, Aye; Ms. Ryden, Aye; Ms. Amaral, Aye.

Submitted by Robert Barboza, Interim Recording Clerk

The Special Meeting of the Board of Health convened at 10:00 a.m. by remote participation with the Chair announcing the meeting was being recorded and noting that remote meeting guidelines are being followed.

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

### **CHAIR'S ANNOUNCEMENT**

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Under M.G.L., Chapter 30A, § 20(f): Meeting Being Recorded; Governor's order allowing remote participation, followed by the Pledge of Allegiance.

### **OTHER BUSINESS**

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#### **1. 217-U Tickle Road-Title 5 Inspection Water Analysis with Nitrates over 5; (closing on 4/16).**

Darren Michaelis of Foresight Engineering representing the owner; realtor Kerry Perron also present.

Mr. Michaelis reported on the inspection of the system, finding no signs of failure; noted the nitrate level for the shared well serving this lot was 5.45 and adjacent 217-S well had nitrate levels just over 6.0 and over 7.0 in subsequent tests. The engineer indicated there were many small lots in the dense neighborhood and abutting septic systems are overloading the area's ground water with excess nitrogen. He noted the water was below the 10.0 nitrate threshold and was drinkable and suggested that adding a denitrification system to the well was the only reliable means of reducing the nitrate levels in the water.

Mr. Armendo confirmed the high-density conditions in the neighborhood and suggested that three years of well testing should be ordered to monitor the water quality. He indicated neighbors (217-S, T, and V) will be notified by letter of the nitrate levels in the water and urge testing of their wells. Mr. Weinberg engaged in a discussion of site conditions with the engineer and noted that while the site well is only 90 feet from the septic system, some neighboring wells are closer.

**MOTION** by Mr. Weinberg to accept the Title V report indicating the site does not have a failed system, and requiring three years of well testing for the property. Seconded by Ms. Amaral, the motion passed on a 3-0 roll call vote: Ms. Amaral aye, Mr. Weinberg aye, Ms. Ryden aye.

#### **2. Maximum Feasible Compliance:**

The Chair indicated that discussion would focus on Mr. Weinberg's suggested edits to the MFC Policy points and evaluation checklist generated at previous work sessions. She hopes to present the revised policies and checklist points for a formal vote at the April 20 meeting. Reviewing possible edits, Mr. Weinberg said he felt that continued use of facility aggregation plans to achieve Maximum Feasible Compliance should stay on the exemption list; there was general consensus that the exemption should remain in the revised policy.

The Chair asked for more details on the evaluation criteria section, suggesting that the “average” cost of adding denitrification system components should be set at \$10,000; a financial waiver request would require two written estimates from the property owner. Clarified under financial feasibility section was the understanding that the 10 percent of assessed value of the property benchmark referred to the total cost of the denitrification system, not just added denite components. Mr. Armendo suggested that final edits may not be completed in time for the April 20 meeting; the Chair indicated the policy will be ready for the meeting packet, as only minor adjustments are needed.

### 3. A/I - Technology Procedures:

The Chair presented a draft copy of a proposed A/I Technology policy and procedure guide, listing DEP approved nitrogen-reducing technologies and the specific requirements to be met for a DEP approval letter, to be made available to applicants and their engineers. She indicated the document should present clear and simple guidelines for meeting both DEP and local regulations for the installation of any approved system; include an evaluation checklist; and include step-by-step application process details.

The Chair noted that six systems have been approved by DEP for residential use, new construction, with Advantex, MicroFast, and Singulair Systems being the most common seen so far; none are approved for remedial residential use; other denitrification systems are provisionally approved for larger systems; pilot systems are sometimes considered for unique situations.

Mr. Weinberg suggested a standard conditions list be drawn up, giving consulting engineers a good idea of what is needed, and when, before applications are filed. Mr. Armendo noted the “standard conditions” phrase is often used in DEP regulations and Westport’s unique conditions list should be given a different name so as not to be confused with the state regulations.

The Chair said the members’ and director’s input would be incorporated into the proposed general guidelines and timeline documents for owners and engineers; an application submission checklist; and a streamlined list of local requirements referencing Title V, DEP approval letters and Westport-specific approval requirements. Further discussion on related topics to be done at a later date.

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

**MOTION** by Ms. Amaral to adjourn the meeting at 12:06 p.m. Seconded by Mr. Weinberg. The vote was passed unanimously 3-0, by roll call.

Submitted by Robert Barboza, Interim Recording Clerk

The Regular Meeting of the Board of Health on April 20, 2021 convened at 4:00 pm. by remote participation with the Chair announcing the meeting is being recorded, and noting the meeting is by remote participation only.

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

### **CHAIR'S ANNOUNCEMENT**

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

### **COVID-19 UPDATE**

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Mr. Armendo reported that the Town's confirmed case numbers continue to increase, with 30 new cases confirmed this past weekend. The current count is 1,449 confirmed cases.

The Director noted that all residents 16 and over are now eligible to receive vaccinations; full guidelines are available through the BOH website and mass.gov website. He indicated that the BOH has 40 doses of vaccine available and will distribute them on April 22 at a BOH clinic for residents.

He also noted that Town Hall and the Annex remained closed to the public, with access by appointment only.

### **BOARD REORGANIZATION**

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Ms. Amaral declined the suggestion that she assume the Chair position; Ms. Ryden indicated she would be able to continue as Chair for the next year.

**MOTION** by Ms. Amaral to elect Ms. Ryden as Chair; Mr. Weinberg as Vice Chair and Ms. Amaral as Secretary. Seconded by Ms. Ryden. The vote was unanimous, 3-0 with all in favor by roll call. Ms. Amaral aye; Mr. Weinberg aye; Ms. Ryden aye.

### **DIRECTOR**

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1. Written Report
2. Update
  - Board of Health: Mr. Armendo reported that the BOH is very busy as usual, with some staffing issues anticipated as employees begin to take vacation time between now and the end of the fiscal year in June.
    - A.) Pump Reports
    - B.) Plan approval
      1. American Leg. Hwy (M-61/L-1/SL-5) 4-Bedroom NC with BioDiffuser. Mr. Armendo indicated he had reviewed and approved the plans as submitted, with no outstanding issues. **MOTION** by Ms. Ryden to endorse the approval of the new construction plans.

Seconded by Mr. Weinberg. The vote was unanimous, 3-0 with all in favor by roll call. Ms. Amaral aye; Mr. Weinberg aye; Ms. Ryden aye.

- Animal Control: Mr. Armendo noted that the department is getting busier as spring weather is making many animals more active.
- Transfer Station: Mr. Armendo reported operations continuing with two staff members and no applicants yet for the vacant position.

## **MINUTES**

1. April 05, 2021. **MOTION** by Ms. Ryden to approve the April 5, 2021 minutes as amended with minor corrections. Seconded by Mr. Weinberg. The vote was unanimous, 3-0 with all in favor by roll call. Ms. Amaral aye; Mr. Weinberg aye; Ms. Ryden aye.

## **OTHER BUSINESS**

1. Board Member Updates

Mr. Weinberg reported that the East Beach sustainability study report will be reviewed at an April 21 meeting; a discussion of results from the cluster wastewater system study of Cadman's Neck and the Let is planned for April 26 and April 27.

Ms. Amaral reported finalized speakers and venues for Mental Health Awareness Month activities in May, including May 1 and May 8 lectures at the Town Hall Annex, an Alzheimer's Awareness Walk on May 15 and a community clean-up day with COW on May 22.

2. Approve Revised Maximum Feasible Compliance Policy

The Chair noted that the Board has been working on revisions to the Maximum Feasible Compliance Policy for several months, seeking to update local provisions for the state policies adopted a number of years ago. The policy was updated with clear standardized requirements for well testing, a new compliance and waiver checklist and other changes submitted to members for review and approval.

**MOTION** by Mr. Weinberg to adopt the revised policy for Title V Maximum Feasible Compliance, and the related waiver request checklist. Seconded by Ms. Ryden. The vote was unanimous, 3-0 with all in favor by roll call. Ms. Amaral aye; Ms. Weinberg aye; Ms. Ryden aye. The policy is to be posted on the BOH website and distributed to area engineers soon as possible.

3. Mental Health Awareness Month

Planned activities noted above.

## **SEPTIC PLAN REVIEWS**

1. Horseneck Road (M-49/L-7F; 92,752sf) Kathleen MacLean, 3-Bedroom New Construction Septic with ADS ARC 36 LP with Singulair Bio-Kinetic Wastewater Treatment System. Mr. Armendo noted the property is in the watershed area and the plans had been revised as of 4/20/21 plan to meet the denitrification system guidelines. **MOTION** by Ms. Ryden to approve the new

construction plans with conditions including Conservation Commission approval, meeting all DEP approval letter requirement for the Singulair DN960 system, operating and maintenance agreement, total nitrogen testing twice per year and reporting to Barnstable. Seconded by Ms. Amaral. The vote was unanimous, 3-0 with all in favor by roll call. Ms. Amaral aye; Mr. Weinberg aye; Ms. Ryden aye.

2. 27 University Drive (M-33/L-29F; 21,200sf) Lucien & Simone Blanchette, 3-Bedroom septic Repair with Presby System, MFC Waiver included. Engineer George Ayoub representing the applicant, detailed plans for a Presby System with a Singulair denitrification unit added. Mr. Armendo indicated he was satisfied with the revisions made to the original plan. **MOTION** by Ms. Amaral to approve the plans as revised on April 8, 2021 with conditions including a three-bedroom deed restriction, hold harmless agreement, compliance with DEP approval letter requirements, Conservation Commission approval, twice a year total nitrogen testing and reporting to Barnstable. Seconded by Ms. Ryden. The vote was unanimous, 3-0 with all in favor by roll call. Ms. Amaral aye; Ms. Weinberg aye; Ms. Ryden aye.
3. 127-D Brayton Point Road (M-88/L-32&31; 24,393sf) William Moyer, 2-Bedroom Septic Repair, Stone Bed. The plan dated 3/17/21 was reviewed by Mr. Armendo, no variances requested, two bedroom deed restriction and ConCom review. **MOTION** by Ms. Amaral to approve the plans as presented with conditions including a two-bedroom deed restriction, Conservation Commission approval. Seconded by Ms. Ryden. The vote was unanimous, 3-0 with all in favor by roll call. Ms. Amaral aye; Mr. Weinberg aye; Ms. Ryden aye.
4. 187 River Road (M-86/L-21A; 68,088sf) 187 River Road LLC, 3-Bedroom Septic Repair with Quick 4 Infiltrator System. Mr. Armendo indicated the plans are satisfactory, needs Conservation Commission review. Ms. Ryden suggested the owner be asked to voluntarily upgrade to a denitrification system because of the proximity to the river. **MOTION** by Ms. Ryden to approve the plans, conditioned on ConCom approval and owner consideration of a voluntary upgrade to a denitrification system. Seconded by Mr. Weinberg. The vote was unanimous, 3-0 with all in favor by roll call vote. Ms. Amaral aye; Mr. Weinberg aye; Ms. Ryden aye.
5. 46 Acoaxet Street (M-89/L-68; 8,339sf) JWS Westport LLC, 3-Bedroom Repair with Quick 4 Infiltrator System, Sieve Analysis in Lieu of a Perc Test. Wendy Henderson representing the owners, requested waivers including use of sieve analysis, separation from water table. **MOTION** by Mr. Weinberg to approve the plans with a three-bedroom deed restriction, Conservation Commission review and waivers for groundwater separation (three feet) and use of sieve analysis. Seconded by Ms. Ryden. The vote was unanimous, 3-0 with all in favor by roll call. Ms. Amaral aye; Mr. Weinberg aye; Ms. Ryden aye.

## **APPOINTMENTS**

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### **4:30pm – Waiver Hearing-Continued from 4/05/21: Oakhill Eng. for 54 Robert Street, David Silva, 3-Bedroom Septic Repair (20,000± sf), GeoMat Leaching System with MFC Waiver.**

Mark Mariano representing the owner indicated the plans use the Advantex AX20 system with GeoMat leaching area and reviewed the waivers requested.

**MOTION** by Mr. Weinberg to approve the repair plan with waivers from bottom separation from ground water, use of sieve analysis and distance separation between inlet and outlet; completion of DEP approval letter requirements; monitoring reports to Barnstable County Health Department; two years of total nitrogen testing; Conservation Commission approval. Seconded Ms. Ryden. The vote was unanimous, 3-0 with all in favor by roll call. Ms. Amaral aye; Mr. Weinberg aye; Ms. Ryden aye.

**4:40pm – Waiver Hearing: Len Potter for 10 Lenox Avenue, Edmund Morin Jr., Two (2)-Bedroom Septic Repair (6,160 sf), Quick 4 Infiltrator with pump chamber, MFC.**

Mr. Potter indicated the owner's well was only 75 feet from system components, and water tests showed a 9.41 nitrate level. He asked for a MFC waiver for financial considerations, noting the \$24,000 estimate for a denitrification system was over the 10 percent of assessed value guideline. Mr. Weinberg questioned the cost estimate, noting there were less expensive components available that could bring down costs. The engineer cited annual testing, maintenance and electricity costs (pump) as additional costs for denitrification systems; he suggested that denitrification components could be added later, if nitrate levels in the water keep going up.

**MOTION** by Mr. Weinberg to approve the plans as submitted, with MFC waiver and conditions including well testing six months after installation of system, three years of well testing, Conservation Commission approval, execution of a hold harmless agreement and a two-bedroom deed restriction. The well tests will determine the future need for denitrification system components; if the nitrate levels do not go below 5.0, denitrification components will be required. Seconded by Ms. Amaral. The vote was unanimous, 3-0 with all in favor by roll call. Ms. Amaral aye; Mr. Weinberg aye; Ms. Ryden aye.

**4:50pm – Waiver Hearing-Continued from 4/05/21: Sitec-Dan Aguiar for 2043 Main Road, Pierce Realty Trust, One-Bedroom Septic Repair (8,580 sf), Quick 4 Infiltrator with MicroFAST 0.90 System.**

Mr. Aguiar noted there is a 34 foot setback between abutter's well and system components and DEP allows Title V upgrade variance by local boards with plans to be amended to cite the proper variance. Mr. Armendo said abutters have been notified and recommended that the general use approval letter requirements for the MicroFAST system should be followed, not repair use guidelines.

**MOTION** by Mr. Weinberg to approve the repair plans as revised; conditions including Conservation Commission approval, local upgrade variance for owner and abutter well setbacks, one bedroom deed restriction, use of sieve analysis, hold harmless agreement, three years of well testing, compliance with DEP approval letter, O & M monitoring reports to Barnstable County, two years of total nitrogen testing, Title V variance (CMR 15.410). Seconded by Ms. Amaral. The vote was unanimous, 3-0 with all in favor by roll call. Ms. Amaral aye; Mr. Weinberg aye; Ms. Ryden aye.

**5:00pm - Waiver Hearing: Cont'd Title V Waiver Hearing from 4/05/21: Len Potter for 27 Second Street, Ruth Clayton & Mary Bradley, Two-Bedroom Septic Repair (7,492 sf), SAS-Quick 4 with Advantex AX-20. Continuance requested.**

**MOTION** by Ms. Ryden to continue the hearing until 7 p.m. on May 3. Seconded by Ms. Amaral. The vote was unanimous, 3-0 with all in favor by roll call. Ms. Amaral aye; Mr. Weinberg aye; Ms. Ryden aye.

**TOPICS FOR THE NEXT REGULAR MEETING**

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It was suggested that the Board consider other afternoon meetings, with the topic to be on the next regular meeting agenda. Mr. Armendo supported the idea.

**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. Seconded by Mr. Weinberg. The vote was unanimous, 3-0 with all in favor by roll call. Ms. Amaral aye; Mr. Weinberg aye; Ms. Ryden aye.

Submitted by Robert Barboza, Interim Recording Clerk

The Regular Meeting of the Board of Health convened at 10:00 a.m. by remote participation with the Chair announcing the meeting was being recorded and noting the meeting is remote.

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

### **CHAIR'S ANNOUNCEMENT**

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

### **OTHER BUSINESS**

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1. Schedule of Future BOH Meetings: The Chair suggested the regular meeting that would fall on May 31 be canceled and not rescheduled. She also noted positive feedback on the recent 4p.m. meeting time and asked that other early meetings be considered. Mr. Armendo agreed that the engineers liked the earlier meeting time and recommended a permanent change to 4p.m.; an evening meeting could be scheduled for hearings on regulation changes and other matters of special interest to the general public. After some discussion, there was general agreement to schedule the May 17 meeting and two regular June meetings at 4p.m. and revisit the question of meeting times at the end of June. The May 3 meeting is already scheduled for 6p.m. Regarding in-person meetings, the Director indicated that Selectmen are still discussing the Town's options; state guidelines now allow in-person gatherings of up to 100 people with proper social distancing.

**MOTION** by Ms. Ryden to schedule the meetings of May 17, June 14, and June 28 at 4:00 p.m. and revisit the meeting time issue at the June 28 meeting. Seconded by Ms. Amaral. The vote was unanimous 3-0, with all in favor by roll call.

**MOTION** by Ms. Ryden to cancel the May 31 regular meeting and not reschedule unless an emergency meeting is needed. Seconded by Ms. Amaral. The vote was unanimous, with all in favor by roll call.

2. Transfer Station Job Descriptions: Mr. Armendo indicated he has received applications for the vacancy advertised with the current job description, which requires a CDL license; the only candidate does not have a CDL, but has a hoisting license. The Town Administrator is seeking to update all Transfer Station job descriptions with only one position requiring a CDL license but the department needs two CDL drivers to maintain operations when one staff member is on vacation.

He suggested a meeting with the Town Administrator to discuss re-classifying the positions and the purpose of the proposed changes. The Chair noted the Board has voted to proceed with filling the position as soon as possible, using the current job description; changing the job descriptions now will require time to have the changes and pay rates agreed to by the union. She agreed that a meeting with the Town Administrator is necessary to discuss the proposed changes. There was general agreement that the Director should proceed with filling the vacant position under the current job description. The Director suggested the Board could hire a temporary employee to work until the job description issue is resolved; the Board agreed to that option, if necessary.

3. Health Director's Performance Review Process: The Chair indicated she had used the Mass. Association of Health Board's guidelines for reviews of Public Health Director to prepare a draft evaluation form for members to use. She noted an upcoming meeting with Town Administrator and the Chair of the BOS to discuss the Director's contract terms and compensation, where a completed evaluation would be helpful to all parties. Mr. Weinberg suggested more emphasis should be on leadership abilities and how the Director has handled efforts to fulfill the priorities of the BOH mission; the Chair will revise the draft evaluation form and distribute to members.

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

None.

**10:45am – Executive Session:** Pursuant to the provisions of MGL c 30A section 21(a), Chair declares an open meeting will have a detrimental effect to:

- 1.) Discuss Litigation Strategy for 23 Oakland Street
- 2.) Discuss Litigation Strategy for 23 Acoaxet Street
- 3.) Discuss Negotiation of Health Director's Contract

**EXECUTIVE SESSION**

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**MOTION** by Ms. Amaral to enter into Executive Session at 10:57 a.m. and to adjourn the Regular Meeting pursuant to the provisions of MGL c 30A section 21(a), as the Chair declares an open meeting will have a detrimental effect to: Discuss strategy with respect to potential litigation (3) and negotiation of the Health Director's Contract. Seconded by Ms. Ryden. The vote was unanimous with all in favor by roll call.

Submitted by Robert Barboza, Interim Recording Clerk

The May 3, 2021 Regular Meeting of the Board of Health convened at 6:00 pm. by remote participation with the Chair announcing the meeting was being recorded and by remote participation only. The meeting commenced with the Pledge of Allegiance.

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

### **CHAIR'S ANNOUNCEMENTS**

1. Under M.G.L., Chapter 30A, § 20(f): Meeting Being Recorded.
2. Cancellation of 3<sup>rd</sup> Meeting in May (May 31, 2021).
3. Change in Meeting time starting with May 17, 2021 meeting. The Chair indicated that the recent 4:00 p.m. meeting time proved popular with all participants and the Board will experiment with a 4:00 p.m. start for the May 17, June 14 and June 28 meetings.

### **COVID-19 UPDATE**

Mr. Armendo reported 1,575 confirmed cases among residents with no new weekend reports and no new hospitalizations or deaths. Westport remains in the Yellow (Moderate) Risk category, but he urged all residents 18 and over to seek vaccinations as soon as possible. Westport Apothecary has a good supply of vaccine and is welcoming walk-ins and appointments for vaccinations. The Apothecary will be running a May 6 clinic at the Annex gym for residents. Mr. Armendo also reported that the BOS would reconsider opening the Annex and Town Hall at its May 10 meeting. Ms. Ryden noted the Governor's announcement that the state will be shifting more resources from mass vaccination sites to community clinics; the Dartmouth mass vaccination site will remain open.

### **MENTAL HEALTH AWARENESS MONTH**

#### **Donna Amaral**

Ms. Amaral reviewed the BOH effort to raise awareness of mental health issues, especially chronic stress, anxiety and fear of loss due to continuing pandemic conditions. She cited a November report indicating that 44 percent of the population had experienced depression or anxiety during the pandemic, with increases in all demographic groups; depression is a contributing factor in increased reporting of substance and domestic abuse. She indicated that the BOH is collaborating with other local agencies to raise awareness of pervasive health issues and encourage residents to seek education resources, coping tools and professional services to help them thrive during the pandemic.

Ms. Amaral detailed the educational efforts planned for the month with detailed information and links to events available on the BOH website. The series started with the May 1 presentation on "tools to thrive" that was well received; a May 8 talk on personal resiliency is scheduled; and the WHS Medical Club is organizing a May 15 Alzheimer's Disease Awareness Walk. A community cleanup sponsored by Team COW is planned for May 22. On May 29, the series will conclude with a candlelight vigil where residents can share their grief and seek healing support.

### **DIRECTOR**

1. Written Report: No comments.

2. Update
  - Board of Health
    - A.) Pump Reports: The Health Director reported no issues.
    - C.) Plan approval
      1. Received 1/28/2021; Peckham Road (M-88/L-224; 66,777s.f) Nick Jansen, 3-Bedroom New Construction, Stone Bed, Len Potter. Mr. Armendo reported no outstanding issues.  
**MOTION** by Ms. Ryden to approve the plans as submitted. Seconded by Ms. Amaral. The vote was 3-0 in favor by roll call. Amaral, aye; Weinberg, aye; Ryden, aye.
  - Animal Control: No issues.
  - Transfer Station: Mr. Armendo indicated that he would begin interviewing candidates for the current vacancy this week.

## MINUTES

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1. February 22, 2021
2. April 14, 2021
3. April 20, 2021

**MOTION** by Ms. Amaral to approve the minutes of the Feb. 22, April 14, and April 20, 2021 meetings as submitted. Seconded by Ms. Ryden. The vote was 3-0 in favor by roll call.

## OTHER BUSINESS

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1. Application for Extension of Sampling Variance for a Mass. Tier 3 Beach: Baker's Beach and Elephant Rock.

Mr. Armendo said the two semi-private beaches were seeking to extend their sampling variances for another four years; the State permits monthly instead of weekly testing at sites where no bacteria outbreaks have been reported in the past two seasons. **MOTION** by Mr. Weinberg to approve the application for Extension of Sampling Variance for both beaches. Seconded by Ms. Amaral. The vote was 3-0 in favor by roll call.

2. Phillip Ferreira: Request for a 1-year extension on a New Construction Disposal System Construction Permit for Stagecoach Road, Map 41/Lot 9AF/Sublot 1A.

Approval recommended by Mr. Armendo. **MOTION** by Mr. Weinberg to approved the one-year extension to May 3, 2022. Seconded by Ms. Amaral. The vote was 3-0 in favor by roll call.

3. T. Miozzi, Inc.: Request Special Portable Toilet Permit because they have a contract with the Town of Westport for roadway paving improvements at 15 Sites.

Mr. Armendo said the normal fee for 15 sites would be \$1,500, but he recommended a reduced fee since the permit costs are likely to be billed back to the town. **MOTION** by Ms. Amaral to approve the permit at a reduced fee of \$500. Seconded by Mr. Weinberg. The vote was 3-0 in favor by roll call.

## 4. Board Member Updates

Mr. Weinberg reported on the recent meeting regarding the reports on potential cluster treatment systems for Cadman's Neck and The Let neighborhoods with estimated costs over \$2 million each. He suggested the Town should assume construction and operating costs rather than force private owners to raise surety of \$500,000 for operations and maintenance; public discussion of that approach and financing options should continue. Regarding the East Beach Vulnerability Study, he said critiques of the draft report were reviewed, and some revisions to the final report were being prepared. A survey will be undertaken to get resident input on potential town plans to address report recommendations.

Ms. Ryden noted that Westport has been invited to join a water-testing program with 84 other communities where more than 60 percent of the population is served by private wells; the focus will be on PFA contamination in those water sources.

**SEPTIC PLAN REVIEWS**

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1. 101 East Beach Road-Plan approved April 14, 2020-Did not go through the appropriate approval process by having a hearing for the use of a Tight Tank to replace an existing cesspool. The tight tank has already been installed.

Mr. Armendo explained the lack of proper process for the tank approval a year ago; the tank apparently was properly installed and is working correctly with a pumping contract provided to the BOH. **MOTION** by Ms. Ryden to approve the tight tank installation plan, conditioned on submission of tight tank deed restriction and engineer's certification of proper installation. Seconded by Mr. Weinberg. The vote was 3-0 in favor by roll call.

**EXECUTIVE SESSION**

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**5:30pm – EXECUTIVE SESSION:** Pursuant to the provisions of MGL c 30A section 21(a), Chair declares an open meeting will have a detrimental effect to:

- 1.) Discuss Litigation Strategy for 23 Oakland Street
- 2.) Discuss Litigation Strategy for 23 Acoaxet Street.

**MOTION** by Ms. Amaral to enter into Executive Session at 5:32 p.m. and to reconvene in open session. Seconded by Ms. Ryden. The vote was unanimous with all in favor by roll call.

**MOTION** by Mr. Weinberg at 5:53 p.m. to adjourn the executive session. Seconded by Ms. Amaral. The motion passed unanimously by roll call vote.

**APPOINTMENTS**

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**6:30pm – Waiver Hearing:** Len Potter for 15 Bob Street, Kerrie Raposo, 3-Bedroom Septic Repair (11,000 sf), Eljen System, MFC Waiver & WA.

Mr. Potter reviewed repair plans using an Eljen B43 system and requested MFC Waiver for well distance and cost factor, citing \$18,500 estimate for traditional system and a \$29,500 estimate for a denite system. Water tests for subject property showed 8.89-nitrate level; neighbor's well with 6.21 nitrate level. Mr. Armendo noted several items on the approval letter checklist were missing, but

recommended approval. Mr. Weinberg noted the owner's well site was up gradient of the system, though not meeting the 100-foot setback requirement.

**MOTION** by Mr. Weinberg to approve the repair plan as a local upgrade approval, with conditions including hold harmless agreement, I/A deed notice, owner's acknowledgement, three-bedroom deed restriction, three years of water testing for owner and neighbor's well, Conservation Commission approval, a variance for the well distances and compliance with the Eljen approval letter requirements. Seconded by Ms. Amaral. The vote was 3-0 in favor by roll call.

**6:40pm – Waiver Hearing:** George Ayoub, for 713 State Road, Antone Jr. & Irene Rezendes, 3-Bedroom Septic Repair (10,297 sf), Presby, MFC Waiver & WA.

Mr. Ayoub reviewed revised plans for use of Presby system, requesting MFC waiver and waiver for well setbacks of 52.2 feet and 70.2 feet, both up gradient of the system. The site well had a 5.72 nitrate level and the neighbor's well, a 12.4 nitrate level; the neighbor at 705 State Road is the buyer of 713 State Road and has been advised the water should not be consumed. Mr. Armendo indicated the application was incomplete and recommended a continuance so he could review bottom separation regulations for the Singulair component. Mr. Weinberg agreed that DEP regulations for remedial use prohibit a reduction in bottom separation, if well setbacks are not being met; Ms. Ryden suggested DEP be consulted on the matter.

**MOTION** by Ms. Ryden to continue the hearing until 6:30 p.m. on May 17. Seconded by Mr. Weinberg. The vote was 3-0 in favor by roll call.

**6:50pm – Hearing:** Carrie Kane (Architect) for 18 Fairway Drive, Fritz. Request to Add a Porch.

Three-bedroom deed restriction required and filed in 2006, which included no change in footprint, no further expansion. Mr. Armendo cited the deed restriction, which prohibits any change of footprint or any increase in septic flow. He suggested the request could be approved administratively with execution of a new deed restriction.

**MOTION** by Ms. Amaral to continue the hearing until 6:40 p.m. on May 17. Seconded by Mr. Weinberg. The vote was 3-0 in favor by roll call.

**7:00pm - Waiver Hearing: Cont'd Title V Waiver Hearing from 4/20/21:** Len Potter for 27 Second Street, Ruth Clayton & Mary Bradley, Two-Bedroom Septic Repair (7,492 sf), SAS-Quick 4 with Advantex AX-20. Mr. Armendo said the hearing should be continued.

**MOTION** by Ms. Ryden to continue the hearing to 6:50 p.m. on June 14. Seconded by Ms. Amaral. The vote was 3-0 in favor by roll call.

#### **TOPICS FOR THE NEXT REGULAR MEETING**

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None

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

- Director's Performance Review: The Chair indicated that member evaluation input and his performance review had been reviewed with Mr. Armendo. His evaluation judged his work exceeds expectations or far exceeds expectations in all areas and will be shared with the BOS as an

aid in discussions of contract talks. Ms. Ryden noted there needs to be further discussion of the director's workload and assigned duties.

- Annual Town Meeting Preparation Discussion: The Chair said she had discussed plans for the ATM with the moderator and stressed the need for mask wearing and proper social distancing even though an outdoor meeting is planned. Mr. Armendo agreed those protocols should be followed, and said temperature checks of attendees was not planned. Three articles sponsored by the BOH are on the ATM warrant, including appropriation of grant funds from a previous septic system loan program, renewal of the \$500,000 funding for the current septic loan program and a request for funding of a household hazardous waste disposal event.
- One Day Event Fee Reduction Discussion: Mr. Armendo noted many organizations and small business owners have lost revenues or been significantly harmed by pandemic conditions in the past year and he was proposing a 50 percent reduction in one-day food event fees to help them recover financially. The normal fee is \$100.

**MOTION** by Ms. Ryden to temporarily reduce the one-day event fee by 50 percent through Dec. 31, 2021. Seconded by Ms. Amaral. The vote was 3-0 in favor by roll call.

- DeNite Chart: There was some discussion of the compliance chart for those systems, which have been approved for nitrogen-reducing "credit" by DEP. It was noted that no systems have been approved for remedial use, only for general use applications. Mr. Weinberg suggested that the timelines for submission of materials still needs to be further reviewed and revised.

**MOTION** by Ms. Amaral to adjourn the regular session at 7:53 p.m. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.

Submitted by Robert Barboza, Interim Recording Clerk

The May 13, 2021 Executive Session of the Board of Health convened at 11:30 am by remote participation upon adjournment of the Special Meeting.

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

**EXECUTIVE SESSION-At the Conclusion of the Special Meeting**

**EXECUTIVE SESSION:** Pursuant to the provisions of MGL c 30A section 21(a), Chair declares an open meeting will have a detrimental effect to:

1. Discuss Public Health Director Employment Agreement

**MOTION** by Ms. Amaral to enter into Executive Session at 11:30 am and not reconvene in open session. Seconded by Mr. Weinberg. The vote was unanimous, with all in favor by roll call.

**DISCUSSION:**

The Chair updated Board members on the meeting with Shana Shufelt, BOS Chair and Tim King, Town Administrator, regarding negotiating terms of Mr. Armendo's next employment agreement. It was agreed to increase his salary by \$5,000 with subsequent raises the same as all non-union positions. The contract will be for 3 years. In addition, any accumulated compensatory time will be restricted to use within the subsequent pay period. Mr. Armendo indicated he agreed to those terms. Members agreed to support this agreement and move on.

Submitted by Tanja Ryden, Chair

The May 13, 2021 Special Meeting of the Board of Health convened at 10:30 am by remote participation with the Chair announcing the meeting was being recorded and by remote participation only.

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

### **CHAIR'S ANNOUNCEMENTS**

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

### **SEPTIC PLAN REVIEW**

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1. 15 University Drive (M-22/L-29G; 22,100s.f.) ZBR Holdings LLC, 4-Bedroom Repair, Bottomless Sand Filter with Fugi Clean Model CEN5

**MOTION** by Mr. Weinberg to approve the repair, subject to Conservation Commission review, compliance with I/A approvals and reporting to Barnstable with TN testing 2x/yr. Seconded by Ms. Amaral. The vote was 3-0 in favor by roll call.

### **OTHER BUSINESS**

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1. Transfer Station Candidate(s) Discussion: Mr. Armendo interviewed two candidates, Jimmy Borges and Tom Paquet and called them back for second interviews with the Chair. Mr. Borges has 16 years' experience at the Mattapoisett Transfer Station, mechanical repair experience, has his CDL and is in the process of renewing his hoisting license. Mr. Paquet has trucking experience, including in logistics and his CDL. Both candidates were asked about interacting with the public.

Ms. Amaral asked if there was any issue with conflict of interest since Mr. Paquet's wife works for the Board of Health. Based on review of qualifications, the Chair recommended hiring Mr. Borges.

**MOTION** by the Chair to request the Board of Selectmen appoint Mr. Borges to the Transfer Station position at their next meeting. Seconded by Ms. Amaral. The vote was 3-0 in favor by roll call.

2. PFAS Testing Discussion. Ms. Ryden discussed the new Dept. of Environmental Protection program offering free well testing for PFAS. Members reviewed the map of targeted areas and the FAQ. The BOH role is to promote the program and educate the public.
3. Senior Agent Job Description. Mr. Armendo reviewed the revised job description for senior public Health Agent. The original job was when there was no public health director, so this has been updated to reflect working under the supervision of the Director.

Ms. Amaral would like the Senior Agent to also attend BOH meetings so board members can build a relationship and so the agent has an understanding of the expectations. Ms. Amaral also stressed

the importance of orientation. Ms. Ryden suggested adding a function for attending BOH meetings, as required.

**MOTION** by Ms. Amaral to accept the revised job description with the added bullet. Second by Mr. Weinberg. The vote was 3-0 in favor by roll call.

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

1. Town Counsel Review of Warrant Article 28, seeking authorization for the Town to appropriate from the “Fund 20” account the amount of \$141,620.21 for financing the repair, replacement and/or upgrade of septic systems with qualifying nitrogen reducing systems.

Chair announced this was to follow up from the Monday Board of Selectmen meeting and subsequent discussion with the Treasurer. Mr. Weinberg summarized the meeting held between Treasurer Sue Brayton, Matt and himself on Tuesday, where she reiterated her position that a she would only agree to a 1% interest rate, if it was for low and moderate income residents.

Mr. Weinberg described the DEP letter, which released the Town from the original grant terms and expressed concern that Sue was dictating policy that was under the BOH authority. However, all Board members agreed that they could support such an income eligibility criterion for good policy reasons.

The BOS have directed Tim King to seek Town counsel review of the article. Chair suggested we vote on a motion accordingly and follow up to see if this would satisfy the Treasurer’s concern.

**MOTION** by Ms. Amaral to support an eligibility requirement of low and moderate income for this specific septic loan program. Seconded by Mr. Weinberg. The vote was 3-0 in favor by roll call.

**EXECUTIVE SESSION-At the Conclusion of the Special Meeting**

**EXECUTIVE SESSION:** Pursuant to the provisions of MGL c 30A section 21(a), Chair declares an open meeting will have a detrimental effect to:

1. Discuss Public Health Director Employment Agreement

**MOTION** by Ms. Amaral to enter into Executive Session at 11:30 am and not reconvene in open session. Seconded by Mr. Weinberg. The vote was unanimous, with all in favor by roll call.

Submitted by Tanja Ryden, Chair

The Regular Meeting of the Board of Health convened at 4:00 pm. by remote participation with the Chair announcing the meeting was being recorded, and reading the Governor's order allowing remote participation. The Pledge of Allegiance followed.

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

### **CHAIR'S ANNOUNCEMENT**

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

### **COVID-19 UPDATE**

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Mr. Armendo reported four new confirmed cases among residents; the town remains in the Yellow (Moderate Risk) category for another week. He noted that 3.2 million residents have been vaccinated so far, about 75 percent of the adult population and provided details on the Governor's announcement earlier in the day that all remaining COVID-19 restrictions will be lifted on May 29, including the face covering requirements. The declared State of Emergency will formally end on June 15. Mask requirements have been relaxed for schools, sports leagues and other large gatherings outdoors. Mr. Armendo also noted that Town Hall and the Town Hall Annex re-opened to the public on this date, with no reported problems or incidents. He reported that residents will find a good supply of vaccine available locally at Westport Apothecary and at BOH clinics like the one scheduled for noon to 6 p.m. on Thursday, May 20 at the Annex.

### **DIRECTOR**

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1. Written Report: Mr. Weinberg and Ms. Amaral had brief comments or questions about the written report.
2. Update
  - Board of Health: Mr. Armendo reported that the BOH remains busy, with lots of food vendors and seasonal businesses inquiring about permits and regulations. Swine and equine permit inspections will be finished this week.
    - Pump Reports: There was nothing unusual to note about the pump reports received.
  - Animal Control: The Director indicated the department is very busy due to seasonal animal activity.
  - Transfer Station: The Director said all is going well and the Board of Selectmen is expected to vote on the hiring to fill the vacancy at its May 24 meeting. Ms. Ryden noted that the bicycle recycling effort at the transfer station is proving to be very popular and some adjustments to the exchange location had to be made to accommodate the volume of bikes being transferred there.

### **MINUTES**

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1. April 29, 2021 special meeting. **MOTION** by Ms. Amaral to approve the minutes of the April 29, 2021 special meeting as presented. Seconded by Mr. Weinberg. The roll call vote was 3-0 in favor. Ms. Amaral, aye. Mr. Weinberg, aye. Ms. Ryden aye.

2. May 03, 2021 regular meeting. **MOTION** by Ms. Amaral to approve the minutes of the May 03, 2021 regular meeting as amended. Seconded by Mr. Weinberg. The roll call vote was 3-0 in favor. Ms. Amaral, aye. Mr. Weinberg, aye. Ms. Ryden aye.

### **OTHER BUSINESS**

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1. Landing Commission/re: Request to Take the Granite Rock Located at the Transfer Station.

Mr. Armendo explained that the Landing Commission had spotted a big boulder at the transfer station and would like to use it to protect a traffic signal at the Head Landing. There were no objections to the “donation” of the granite rock, but members wanted assurances that the Landing Commission would repair the hole left behind or correct any disturbances to the landscaping caused by the removal effort.

**MOTION** by Mr. Weinberg to allow the Landing Commission to take the rock for public use and to repair any disturbed landscaping. Seconded by Ms. Amaral. The roll call vote was 3-0 in favor. Ms. Amaral, aye. Mr. Weinberg, aye. Ms. Ryden aye.

2. Warrant Articles Discussion.

The Chair noted that three articles sponsored by the BOH would be on the ATM warrant: Article 27 seeks funding for a household hazardous waste collection event. Article 28 proposes to transfer repayments from a previous septic repair loan program to a new septic upgrade loan program for low and moderate-income households; Article 29 seeks to re-fund the current community septic loan program fund with \$500,000 to be borrowed at low interest from the state fund. Members were given the opportunity to comment on the articles and the protocols proposed for social distancing and face coverings at the ATM. Mr. Armendo said no temperature screening was planned for the event.

3. Board Member Updates.

Ms. Amaral noted that the community was halfway through Mental Health Awareness Month and applauded the high school’s Medical Club for successfully sponsoring and the Alzheimer’s Disease Awareness Walk this week. She noted the club is continuing its fundraising efforts. This coming weekend, Board members are among the 200-plus volunteers signed up for the Team COW community clean up. Public events conclude at 8 p.m. on May 29 with a candlelight vigil planned at the Friends Meeting House. More information is available on the BOH webpage and Facebook page.

Mr. Weinberg reported that the East Beach Vulnerability Study revisions are done and the final report will be presented to the Planning Board this week. The report focuses on projections for climate change impacts and recommendations for planning to be done to mitigate the predicted rise in sea levels. The next step is to appoint committees, set planning and action priorities and seek funding for potential projects. Regarding studies of potential neighborhood waste treatment systems, he said follow-up meetings with residents in The Let area are planned; the Cadman’s Neck neighborhood association has refused access to a potential treatment facility site for soil testing, suggesting some resistance to moving forward with further discussions.

4. PFAS Well Testing Announcement.

The Chair noted that a DEP study is funding the free testing of private wells for PFAS, chemicals used in firefighting applications and the treatment of textiles. More information is available on the BOH web page.

## 5. Administrative Procedure Updates:

## a). Barnstable County I/A Reporting.

Ms. Ryden reported that 37 Westport I/A installations have already been loaded into the county recording system with another 20 installations submitted for inclusion in the database. She was pleased to report that the town is well on its way to filling the 110 slots the Town has been allotted under the state grant program. Ms. Amaral applauded the Chair for the volume of extra work performed to set up the Town's participation in the program; the Chair cited the contributions of Mr. Weinberg, Ms. Amaral and the BOH staff to the effort.

## b). New Septic Check List.

The Chair sought feedback from members and staff on the new septic checklist used this week for the first time to review new applications. Mr. Armendo said the checklist proved helpful to him and the health agent reviewing applications; Mr. Weinberg suggested the addition of a N/A (not applicable) box that could be checked off for certain negative responses that might need clarification.

**SEPTIC PLAN REVIEWS**

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1. None at this time.

**APPOINTMENTS**

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**4:30pm – Waiver Hearing-Continued from 5/3/21 Meeting: George Ayoub, for 713 State Road, Antone Jr. & Irene Rezendes, Three-Bedroom Septic Repair (10,297 sf), Infiltrator Quick 4 Plus Standard LP with Singulair Model TNT 600DN Secondary Treatment Unit.**

The engineer reported that DEP had declined approval of the two-foot bottom separation request for the Presby System originally proposed, so he had changed the design and increased the bottom separation to four feet. Mr. Armendo felt the revised plans were sound, but noted some missing documents needed to be filed to complete the application.

**MOTION** by Mr. Weinberg to approved the revised three-bedroom repair plan dated 5-9-21 with the following conditions and waivers: Conservation Commission approval, three-bedroom deed restriction, variances for well setbacks (52.8 feet site well, 71.0 feet abutter well), three years of well testing, hold harmless agreement, two years of total nitrogen testing reported to Barnstable County Health Dept., lifetime reporting to Barnstable County HD, I/A deed notice and submission of missing documents. Seconded by Ms. Ryden. The roll call vote was 3-0 in favor. Ms. Amaral, aye. Mr. Weinberg, aye. Ms. Ryden aye.

**4:40pm – Hearing: Carrie Kane (Architect) for 18 Fairway Drive, Fritz. Request to Add a Porch.**

A 3-bedroom deed restriction was filed in 2006 per BOH requirement, which included language-no change in footprint, no further expansion. Mr. Armendo reported researching the property at the Building Department and finding no apparent reason why that deed restriction banning any expansion was included. He recommended the request to add the porch be approved.

**MOTION** by Ms. Amaral to approve the request to add a porch. Seconded by Ms. Ryden. The roll call vote was 3-0 in favor. Ms. Amaral, aye. Mr. Weinberg, aye. Ms. Ryden aye.

**4:50pm – Waiver Hearing: Len Potter for 1787-C Main Road, Janet Wicks Grindley, two-Bedroom Repair with a Tight Tank to replace failed cesspool (lot size: 2.4Ac).**

The engineer explained that the seasonal cottage is unheated and serviced by an offsite well; since the cesspool failure, occupants have used portable toilets during their limited visits. With proximate wetlands and riverfront area, he suggested that the tight tank is the best option for continued limited seasonal use. Mr. Armendo had no objections to the plan and suggested a seasonal use deed restriction. Mr. Weinberg checked DEP regulations and found there was no wetland setback requirement.

**MOTION** by Mr. Weinberg to approve the tight tank repair plan as a local upgrade approval with the following conditions: Conservation Commission approval, two-bedroom deed restriction, compliance with tight tank regulations, deed documents for seasonal use and tight tank use, owner's maintenance agreement and pumping contract. Seconded by Ms. Ryden. The roll call vote was 3-0 in favor. Ms. Amaral, aye. Mr. Weinberg, aye. Ms. Ryden aye.

**TOPICS FOR THE NEXT REGULAR MEETING**

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The next regular meeting is planned for June 14, but a special meeting prior to that date is expected. Meeting topics to include revisiting the local face covering order and the state regulations for public meetings.

Mr. Weinberg suggested setting aside time to review the Maximum Feasible Compliance checklist, with the professional community notified beforehand; the Chair suggested it might be a good topic for a separate special meeting.

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

NONE

**MOTION** by Ms. Amaral to adjourn the meeting at 5:17 p.m. Seconded by Mr. Weinberg. The roll call vote was 3-0 in favor.

Submitted by Robert Barboza, Interim Recording Clerk

The Special Meeting of the Board of Health convened at the Westport Junior/Senior High School at 8:35 am. with the following members and staff present:

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

8:30am – Strategy for Town Meeting:

The purpose of the meeting is to review pertinent BOH articles - budgets, household hazardous waste funding request and two septic loan fund programs.

Board discussed who would move articles and whether any presentation was necessary.

Chair was prepared to answer any questions about HHW and Vice Chair would respond to septic article questions, if any.

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

None.

**MOTION** by Donna Amaral to adjourn at 8:45am and reconvene for the 9:00am Annual Town Meeting. Seconded by Phil Weinberg. Vote was unanimous.

Submitted by Tanja Ryden, Chair

The Regular Meeting of the Board of Health convened at 4:02 pm. with the following members participating:

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

### **CHAIR'S ANNOUNCEMENT**

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The Chair announced that under M.G.L., Chapter 30A, § 20(f): Meeting Being Recorded, and led the assembly in the Pledge of Allegiance.

### **HEALTH UPDATES**

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#### **1. COVID Update.**

Mr. Armendo reported that as of June 14, there were 1,612 reported cases of residents having contracted the COVID-19 virus. The numbers of new cases are down significantly with Westport having moved to the Gray (Low Risk) Category.

As of June 10, at least 60 percent of residents are partially or fully vaccinated, according to state reports. He noted that the BOH and its partners (Fire Dept. and Westport Apothecary) are planning another walk-in vaccination clinic at the Annex on June 18 and that Market Basket in Fall River is giving \$25 gift cards to walk-ins getting a vaccination there.

State Orders allow all business and industry to re-open at 100 percent capacity and the Mass. State of Emergency officially ends on June 15. Face coverings are still encouraged for those not vaccinated, but are required on public transportation, health care facilities and K-12 schools for staff and students.

Mr. Armendo indicated that future BOH updates will be issued only as needed and said that the Public Health Nurse will continue her contact tracing duties.

#### **2. Public Health Nurse - West Nile Virus (WNV) and Eastern Equine Encephalitis (EEE).**

Public Health Nurse Linda Pierce issued a warning to residents to protect themselves against mosquito and tick bites now that warm weather has arrived and outdoor activities are increasing.

Ticks carry Lyme Disease, so residents should use insect repellent or chemically treated clothes to prevent bites and check themselves carefully from head to toe after being outdoors to spot and remove ticks.

Medical attention should be sought if a rash develops around the bite; fever and muscle aches are other symptoms of a tick bite that might develop into Lyme Disease.

Precautions against mosquito bites include use of insect repellent and wearing long sleeves in evening hours when mosquitos are most active. Mosquitos lay eggs in leaf litter and clogged gutters, so those areas should be kept clean; remove standing water around the house where they also might breed. Mosquitos can transmit both West Nile Virus and EEE with the area currently in the third year of an active cycle for those diseases.

**DIRECTOR**

1. Written Report: No questions raised.
  2. Update
    - Board of Health:  
Mr. Armendo noted that the BOH workload has lightened a bit with the elimination of pandemic restrictions; some reporting requirements remain.
    - Transfer Station:  
The new hire at the transfer station is on the job, bringing the unit to full strength.
    - Animal Control:  
The Animal Control Department remains busy with routine calls.
      - Pump Reports:  
The Director indicated that the pump reports received were still being reviewed.
      - Director Approved Plans: **See detailed sheet**
        - a). 39 Chabot Street, 2B Repair with Presby
        - b). Tickle Road, 3B NC with Infiltrator Quick 4
        - c). Bergeron Lane, 4B NC with ADS ARC
        - d). 115 Charlotte White Road, 3B Repair with Stone Bed
        - e). 18 Boysenberry Drive, 2B Repair with Infiltrator Quick 4
        - f). 663 Division Road, Upgrade from 1B to 2B, Infiltrator Quick 4
- MOTION** by Ms. Amaral to affirm the Director's approval of the plans listed. Seconded by Mr. Weinberg. The motion passed on a 3-0 roll call vote.

**MINUTES**

1. May 17, 2021 regular meeting. **MOTION** by Ms. Amaral to approve the minutes of the May 17, 2021 meeting as submitted. Seconded by Mr. Weinberg. The motion passed on a 3-0 roll call vote.

**OTHER BUSINESS**

1. Grant Application to Rural & Small Town Development Fund: The Chair noted that the Planning Board is seeking the Board of Health's support for a grant application to this fund.
2. Rescind Emergency Order and Directives of:
  - March 27, 2020 Directive for All Out of State Travelers to Self-Quarantine
  - April 17, 2020 Wearing of Face Coverings Revised April 30, 2020

**MOTION** by Ms. Amaral to rescind the March 27, 2020 BOH Directive and the April 17, 2020 Order regarding face coverings. Seconded by Mr. Weinberg. The motion passed on a 3-0 roll call vote.
3. FY 2022 Annual Appointments.  

**MOTION** by Ms. Amaral to approve the appointments on the attached list for FY 2022. Frederick G. Ponte, Special Agent; Dr. Dennis Callen, Medical Advisor; Bernadette Oliver, Burial Agent/Special Agent; Jonathon H. Potter Jr., Burial Agent; Shane D. Erickson Potter, Burial Agent; Marilyn Edge, Special Agent as Part-Time Tobacco Inspector. Seconded by Ms. Ryden. The motion passed on a 3-0 roll call vote.

## 4. Board Member Updates.

Ms. Amaral noted that the last of the Mental Health Awareness Month activities had been completed and offered thanks to all those who contributed time and effort to the month-long slate of programs.

Ms. Ryden noted that the Annual Town Meeting had approved funding for Household Hazardous Waste Collection event, with planning for those events to start immediately. She indicated 70 Westport nitrogen reduction systems have been input into the Barnstable County Health Dept. monitoring program and noted a new DEP policy requiring pilot projects also be reported to that agency for monitoring.

## 5. Set Working Meeting Date and Time. The Chair indicated the need for a working session with agreement reached to schedule that work session for 1 p.m. on June 24. The septic loan programs and the household hazardous waste collection effort will be among the topics of discussion.

**SEPTIC PLAN REVIEWS**

1. 499 Drift Road (M-53/L-6; sf 78,545) Gregory Mor, Studio Bathroom Connection to proposed 3-Bedroom Septic, Stone Bed, Wendy Henderson, R.S. The Director indicated that the applicant was seeking to add a bathroom to a studio area and tie it into the septic system; the lot is 78,745 square feet. The Chair cited the need to control the future conversion of the studio space into an additional bedroom. **MOTION** by Ms. Ryden to approve the repair plan date 2/22/21 and allow the studio bathroom tie-in to the septic system with the condition that a three bedroom deed restriction be added so the space cannot be converted to residential use without BOH approval. Seconded by Ms. Amaral. The motion passed on a 3-0 roll call vote.
2. 12 Tickle Road (M-19/L-75; sf. 30,000) Thomas & Anna Riley, 3-Bedroom Repair, Infiltrator Quick 4, Carl Bevilacqua, P.E. Mr. Armendo recommended approval with three-bedroom deed restriction because of the lot size. **MOTION** by Ms. Amaral to approve the repair plan dated 3/30/21 with a condition for a three-bedroom deed restriction and submission of engineering documents for the proposed system. Seconded by Mr. Weinberg. The motion passed on a 3-0 roll call vote.
3. Third Street (M-76/L-61&62; sf. 30,000) Pat Mayall, 3-Bedroom New Construction with Eljen In Drain and Advantex AX20, NorthEast Eng. (Contact-Sean Leach) Mr. Armendo indicated it was a good design with all paperwork submitted and recommended approval. **MOTION** by Ms. Amaral to approve the plan as submitted. Seconded by Ms. Ryden. The motion passed on a 3-0 roll call vote.
4. Meader Lane (M-87/L-87B/SL-6; sf. 60, 772) Amir Viskin, 3-Bedroom New Construction with Infiltrator Quick 4 and MicroFast 0.5 Treatment System, Zenith Consulting, Thomas Morris, P.E. The Director reported all documents are filed and the plan meets stormwater-expedited criteria. **MOTION** by Ms. Amaral to approve the plan dated 3/2/21 with correction of transmittal number. Seconded by Ms. Ryden. The motion passed on a 3-0 roll call vote.
5. Maya Way (M-68/L3H/SL-7; sf. 73,297) Jonathan Botelho, 3-Bedroom New Construction with stone bed and MicroFast 0.5, Sitec/CEC (contact Kory Medeiros) Mr. Armendo reported some documentation was missing but recommended approval of plans. **MOTION** by Mr. Weinberg to approve the plans upon receipt of the necessary documents. Seconded by Ms. Amaral. The motion passed on a 3-0 roll call vote.
6. Wildberry Way (35/12L/SL2; sf. 73,041) Raposa Properties LLC, 5 Bedroom New Construction with Infiltrator ARC 36 Chamber and Singulair, Greg Nicholas P.E. Mr. Armendo indicated it was

a good plan and met stormwater control criteria. **MOTION** by Ms. Amaral to approve the revised plan dated 6/4/21. Seconded by Ms. Ryden. The motion passed on a 3-0 roll call vote.

## **APPOINTMENTS**

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### **4:30 pm – 2<sup>nd</sup> Waiver Hearing: Len Potter for 1787-C Main Road, Janet Wicks Grindley, two-Bedroom Repair with a Tight Tank to replace failed cesspool (lot size: 2.4Ac).**

Mr. Potter noted this property is a summer cottage with a failed cesspool and the owner is seeking to replace the cesspool with a tight tank.

Waivers sought are:

- reduced setback from owner well
- reduced setback from coastal bank

Mr. Armendo confirmed the site conditions are a problem and indicated local upgrade approval was needed for use of the tight tank. Mr. Weinberg asked about protective measures to prevent flooding in a big storm, as the tank would be only four feet from the coastal bank. He learned there were no special precautions planned.

**MOTION** by Mr. Weinberg to approve the repair plan dated 4/17/21 with conditions including Conservation Commission approval, waivers for well setback and coastal bank setback distances, a deed notice for seasonal use only, a tight tank agreement and a hold harmless agreement. Seconded by Ms. Amaral. The motion passed on a 3-0 roll call vote.

### **4:40 pm – Waiver Hearing: Len Potter for 79 O Drive, Dennis Velozo, 3 Bedroom Repair (14,700 sf) SAS-Stone Bed, MFC Waiver & WA.**

Mr. Potter indicated that the owner was seeking a Maximum Feasible Compliance Waiver because of site conditions; the stone bed will be well over 100 feet away from the well. Water tests showed no bacteria, but 8.3 nitrates level was a cause of concern for the Director, who suggested continued testing or denitrification components be considered. Mr. Weinberg urged Mr. Velozo to consider putting a denitrification system on the well because of the elevated nitrates and the downgrade location of the well.

A motion to approve the plan under MFC waiver guidelines did not get a second.

**MOTION** by Mr. Weinberg to deny the application and require a revised denitrification septic system plan. Seconded by Ms. Amaral. The motion to deny passed on a 2-1 vote: Ms. Amaral aye, Mr. Weinberg aye, Ms. Ryden nay.

**MOTION** by Ms. Ryden to allow the Director to approve a revised plan including denitrification system components. The motion passed on a 3-0 roll call vote.

### **4:50 pm - Waiver Hearing: Cont'd Title V Waiver Hearing from 5/03/21: Len Potter for 27 Second Street, Ruth Clayton & Mary Bradley, 2-Bedroom Septic Repair (7,492 sf), SAS-Bottomless Sand filter with Advantex AX-20.**

Mr. Potter indicated the applicant was seeking variances for:

- setbacks to property lines,
- setback to the street,
- setback from neighboring wells; the owner's well is 51 feet from the proposed system

Mr. Armendo recommended approval, indicating the bottom separation from ground water is over four feet and this was the best combination of denitrification components on the market.

**MOTION** by Ms. Amaral to approve the revised plan dated 6/1/21 with variances for property line setback, setback of owner's well to system and setbacks to neighboring wells. Conditions to include a two-bedroom deed restriction, supply of all documents for the I/A system, operating and maintenance agreement, owner's certification, two years of total nitrogen testing, submission of test data to Barnstable County Health Dept. for monitoring, hold harmless agreement, three years of water testing on five subject wells. Seconded by Ms. Ryden. The motion passed on a 3-0 roll call vote.

**5:00 pm – Waiver Hearing: Mark Rodrigues for 175 Division Road, Jeffrey Simons, 3 Bedroom repair (40,175 sf.), SAS-Infiltrator Quick 4 Standard Bed.**

Mr. Rodrigues said the client was seeking a variance for:

- separation from ground water

The design showing the distance is 3.6 feet above groundwater in order to avoid a pump for the system. Mr. Armendo had no issues with the plans, all wells being over 100 feet away.

**MOTION** by Ms. Amaral to approve the repair plan date 5/18/21 with a variance for separation distance from ground water and a condition for a hold harmless agreement. Seconded by Ms. Ryden. The motion passed on a 3-0 roll call vote.

**TOPICS FOR THE NEXT REGULAR MEETING**

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

**MOTION** by Ms. Amaral to adjourn the regular session at 5:59 p.m. Seconded by Mr. Weinberg. The motion passed 3-0 in favor by roll call vote.

Submitted by Robert Barboza, Recording Clerk

The Special Meeting of the Board of Health convened at 11:30 a.m. at the Town Hall Annex with the Pledge of Allegiance.

**PRESENT:** Tanja Ryden, Chair  
Philip M. Weinberg, Vice-Chair  
Donna M. Amaral, Secretary

### **CHAIR'S ANNOUNCEMENT**

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

### **OTHER BUSINESS**

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1. **HOUSEHOLD HAZARDOUS WASTE EVENT:**

Ms. Ryden reported on work she has done to plan for the Household Hazardous Waste Event including reviewing possible companies that will run the event. Trident has been identified as reliable and available for the proposed event date of October 2, 2021. She has been working with WRWA to coordinate and prevent conflicting dates for planned programs. Ms. Ryden has also attempted to secure the old High School on Main Road as the proposed site. There was a discussion around details of registering for the event and Eventbrite was recommended to preregister. There was also a discussion as to whether a fee would be charged. Ms. Ryden shared the basic cost per pounds and gallons of waste. The basic charge to the BOH is \$52.50 per 25 pounds or 25 gallons. The suggestion was made that if a resident brings greater than the basic amount there would be a charge. Mr. Weinberg suggested we create a list of what the Transfer Station will take and a list of what we will accept at the event.

2. **SEPTIC BETTERMENT LOAN PROGRAM:**

Mr. Weinberg pointed out that the loan programs are all done through the DEP. He reported on the \$500,000 standard loan program. The interest rate is set by the Treasurer and we don't know whether she will accept a lower interest rate of 3-3.5 %. He will "put the ask out" and work with her to set the rate. He also addressed the Fund 20 loan program of \$142,000 set at 1% for low to moderate income residents. He proposed using the HUD income criteria but questioned where the documentation would go and whether we would need to cover the administrative costs. He also proposed the need to advertise the criteria once it is established.

3. **MAXIMUM FEASIBLE COMPLIANCE (MFC):**

Mr. Weinberg discussed the recent vote on a MFC waiver that was not unanimous by the Board and the different interpretations of MFC. He stated that the DEP provides criteria to be considered as to specifically authorize a waiver. There is concern for an SAS less than 100 ft. to the well. Ms. Ryden wants the BOH to make site specific decisions and addressed the differences of opinion in our last BOH decision where the well was greater than 100 ft. from the SAS. Mr. Weinberg stated that site conditions such as the gradient and well depth should be considered along with square footage of the property and water analysis. He also wants considered whether there are cross contamination issues in dense neighborhoods. Ms.

Ryden suggested we look at the criteria such as nitrogen load of greater than 5 Mg/L and whether we should change this percentage to be closer to the DEP Mg/L. She also questioned whether we need to be more precise regarding well gradient and depth. Mr. Weinberg feels the burden is on the owner and engineer to show the documentation that supports a MFC waiver, specifically if the cost is over the \$10,000, should be provided to the Board before a hearing. Ms. Ryden suggested future consideration of changes and or refinement in Board policy.

**4. IA STANDARD CONDITIONS:**

Mr. Weinberg addressed how the new checklist is designed to simplify our Board meetings and presented a draft of the Standard Conditions Construction Permit for On-Site Sewage Disposal Systems. Ms. Ryden presented the I/A Technologies Documentation Summary. There was a discussion regarding what is required for different systems. Ms. Ryden addressed how the Presby systems have many with the same approval number but different conditions. The engineers need to know what is expected. There was discussion about alternative leaching systems not requiring O&M agreements whereas de-nitrification systems do.

**MOTION** by Ms. Ryden not require owner acknowledgement for Alternative Leaching Systems where there is no O&M agreement. Seconded by Mr. Weinberg. The vote was 3-0 in favor.

**MOTION** by Ms. Ryden to not require submission to Barnstable County for Percrite and Presby with 12 inches of C-33 sand. Seconded by Mr. Weinberg. The vote was 3-0 in favor.

**TOPICS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE OF THIS MEETING**

1. Ms. Ryden plans to submit a Health Notes Article to Shorelines addressing the many issues impacting the health of our community in the coming summer months. She also referred the Board to the information from DPH regarding the Opiate addiction public health issues in the State.

**MOTION** by Ms. Amaral to adjourn the meeting at 2:24 pm. Seconded by Mr. Weinberg. The vote was 3-0 in favor.

Submitted by Donna Amaral, Secretary

The Regular Meeting of the Board of Health convened at 4:00 pm.

**PRESENT:** 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 led the meeting in the Pledge of Allegiance.

### **PUBLIC HEALTH NURSE PRESENTATION-Linda Pierce, RN**

**Alzheimer's Awareness Month:** The Public Health Nurse reported that July is Alzheimer's Disease Awareness Month and efforts are being made for public outreach about the progressive disease that is affecting approximately 5.4 million Americans. She noted that evaluations are underway for a new drug that may delay the onset of early symptoms. She also noted that the disease has a great impact on the families of those afflicted. Ms. Amaral added that the Alzheimer's Association is a great resource for families and there are local support groups in the region that also provide resources.

### **DIRECTOR**

1. Written Report:  
Mr. Weinberg noted the problem with disposal of C & D (construction and demolition) materials due to issues at the usual tipping site. Ms. Ryden noted that BOH staff had participated in the recent dangerous dog hearing held by the Select Board.
2. Update
  - Board of Health: Mr. Armendo reported that the BOH has been busy processing the annual surge of permit requests.
    - Pump Reports
    - Director Approved Plan(s): **see detailed sheet**
      - a. 32 Third St., Paul Guilmette, 2B Repair
      - b. 212 Howland Rd., Top O'Hill Nominee Tr, 3B Repair
  - MOTION** by Ms. Amaral to endorse the approval issued by the Director for repair plans for 32 Third Street with condition for a 2-Bedroom deed restriction and a 3-bedroom repair plan for 212 Howland Road. Seconded by Mr. Weinberg. The vote was 3-0 in favor.
  - Animal Control: The Director reported numerous calls to Animal Control in recent weeks, praising new Assistant ACO, Nick Vidmar for his efforts to answer the many 24/7 calls.
  - Transfer Station: The Director provided more details on the temporary hold on accepting C & D material at the transfer station because of the issues at the tipping site.

### **MINUTES**

1. May 13, 2021 special meeting. **MOTION** by Mr. Weinberg to approve the minutes of the May 13, 2021 meeting as submitted. Seconded by Ms. Amaral. The vote was 3-0 in favor.

- June 14, 2021 regular meeting. **MOTION** by Mr. Weinberg to approve the minutes of the June 14, 2021 meeting as submitted. Seconded by Ms. Amaral. The vote was 3-0 in favor.

### **OTHER BUSINESS**

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- Board Member Updates:

Ms. Ryden raised the issue of continuing the 4 p.m. meeting time, noting there had been no complaints about the earlier meeting time. There was consensus among members that the 4 p.m. meeting time would continue for the summer. She also indicated she has applied for permission to use the junior/senior high school for the proposed household hazardous waste collection event planned for the fall.

Mr. Weinberg reported that he is working with the staff on guidelines for a new septic system repair loan program.

Ms. Amaral noted that she is working with Team COW on plans for a town-wide fall cleanup day; she is also thinking about ways to do community outreach programming about opioid addiction topics. She also suggested investigation of establishing a gift fund for BOH community wellness events; also discussed were opportunities for grant funding.

The Director noted the end of the fiscal year, reporting small balances in most budget areas. He reported the need for replacing the office at the Transfer Station with estimates sought for a 14 by 20 foot building and recommended a fall town meeting article seeking funding for the expense should be submitted.

### **SEPTIC PLAN REVIEWS**

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- 19 Tupelo Road (M-61/L-17G/SL-14; 61,980sf) Forest Park Westport, LLC, 4-Bedroom New Construction with Stone Bed. Mr. Armendo reported no issues with 4-Bedroom new construction plans for a site outside the watershed protection area. With all requirements met, he recommended approval.

**MOTION** by Mr. Weinberg to approve the 4-bedroom new construction plans dated 6/1/21. Seconded by Ms. Amaral. The vote was 3-0 in favor.

- American Legion Hwy. (M-21/L2B/SL-2; 82,079sf) CIL Realty of Mass, Inc., 5-Bedroom New Construction with Infiltrator Quick 4 and MicroFast 0.5 Secondary Treatment Unit. Documents required at submission are received. Mr. Armendo reported no issues with the plans, which still need Conservation Commission review.

**MOTION** by Ms. Amaral to approve the 5-Bedroom plans dated 6/22/21 with conditions including twice per year total nitrogen testing to be reported to the Barnstable County Health Department monitoring center, Conservation Commission approval and delivery of an Operating & Maintenance Agreement. Seconded by Mr. Weinberg. The vote was 3-0 in favor.

### **APPOINTMENTS**

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4:30pm – Cancelled

**4:40pm – Waiver Hearing: Len Potter for 325 Brayton Point Road, Janet Kinnane, 2-Bedroom Repair with an Infiltrator Quick 4 (7,056sf).**

Mr. Potter indicated the owner is seeking Maximum Feasible Compliance waivers for replacement of failed cesspool; plans are for demolition of existing structure and rebuilding new house.

The distance to five wells cited as being:  
78, 75, 66, 77 and 78 feet from the proposed system.

Nitrate levels by address:  
#325 – .14; #324 – 8.37; #318 – 9.55; #321 – 3.10 and #327 – Not available.

Mr. Armendo suggested that the demolition and proposed new construction does not allow for MFC guidelines to apply; he recommended a denitrification system be installed at this location.

**MOTION** by Mr. Weinberg to continue the hearing until 4:40 p.m. on July 12 so the plans can be revised. Seconded by Ms. Amaral. The vote was 3-0 in favor.

**4:50pm – Waiver Hearing: Len Potter for 333 Sanford Rd, Paul Silvia, 2-Bedroom Repair with Infiltrator Quick 4 (20,037sf).**

Mr. Potter indicated the applicant is seeking waivers for well distances. Neighboring wells showed 0 nitrates (#337 – 71 feet) and 2.15 nitrates at second site.

Mr. Armendo recommended approval of the waiver, with a condition of three years of well testing.

**MOTION** by Mr. Weinberg to approve the plans dated 6/2/21 with waiver of well setback distances and conditions including three years of well testing, delivery of hold harmless agreement and 2-bedroom deed restriction. Seconded by Ms. Amaral. The vote was 3-0 in favor.

**5:00pm – 2<sup>nd</sup> Waiver Hearing: Len Potter for 79 O Drive, Dennis Velozo, 3-Bedroom Repair-2 plans proposed a.) Stone Bed and b.) Stone Bed with Advantex Secondary Treatment Unit (14,700sf) MFC Waiver Included.**

Mr. Potter provided cost estimates for denitrification system, indicating the applicant was seeking a waiver for financial reasons. He provided a water test indicating an 8.3 nitrates level, though the well is over 100 feet away from proposed system.

The Chair noted some additional information on the proposed sale of the property and the buyer's likely financial situation. She indicated the potential cost of a denitrification system exceeded 10 percent of the property's assessed value, making it eligible for consideration of a financial waiver.

Ms. Amaral expressed concerns about the children who would be moving into a home with high nitrate levels in the water and the buyer's ability to assume the financial costs of a denite system if needed in the future.

**MOTION** by Mr. Weinberg to approve the repair plans dated 5/4/21 with conditions including installation of a nitrogen reduction filter on the well; three years of water testing at the seller's expense; and a 3-bedroom deed restriction. Seconded by Ms. Ryden. The vote was 3-0 in favor.

**TOPICS FOR THE NEXT REGULAR MEETING**

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Mr. Weinberg said the draft of the septic repair loan program guidelines should be ready for discussion. It was also suggested that the standard conditions form for septic plan approvals be on the agenda.

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

**MOTION** by Ms. Amaral to adjourn the meeting at 5:27 p.m. Seconded by Mr. Weinberg. The vote was 3-0 in favor.

Submitted by Robert Barboza, Recording Clerk

The Regular Meeting of the Board of Health convened at the Town Hall Annex at 4:00 pm. with the Vice Chair announcing that the meeting was being recorded.

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

**ABSENT:** Tanja Ryden, Chair

### **CHAIR'S ANNOUNCEMENT**

1. Under M.G.L., Chapter 30A, § 20(f): Meeting being recorded. The Vice Chair led the meeting in reciting the Pledge of Allegiance.

### **DIRECTOR**

1. Written Report: Mr. Armendo indicated the department was still finishing swine and equine permit inspections. There were no questions about the written report.
2. Update
  - Board of Health: Mr. Armendo reported that the BOH staff has been very busy, developing application checklists for different systems for engineers and other applicants. He noted that water certification labs are extremely busy with seasonal water testing and delays of several weeks for results are happening. The nurse's office was closed for several days due to vacation time; vacation time use was up because of the end of the fiscal year but adequate staffing has been maintained.
    - Pump Reports: No issues reported.
    - Director Approved Plan(s): **None**
  - Animal Control: Animal Control has been very busy with only two staff members working hard to handle the number of calls.
  - Transfer Station: The Transfer Station is operating smoothly with only one staffer allowed to take vacation days at any one time so properly licensed operators are one hand and operations can continue without interruption. There have been some delays with offloading trucks at SEMASS; the company stopped accepting demolition material several times, forcing the transfer station to stop accepting that material on a few occasions.

### **MINUTES**

None

### **OTHER BUSINESS**

1. Board Member Updates: Mr. Weinberg noted that articles for funding septic repair loan programs and a household hazardous waste collection campaign were approved at the annual town meeting, and BOH staff are working to plan and implement those initiatives.

### **SEPTIC PLAN REVIEWS**

1. 401 Old County Road (M51/L18; 70,029sf) Gary Bienvenue, 3-Bedroom Repair, Presby, Designer-Zenith Consulting. The Director indicated that the repair plan using a Presby System was well done; a two-foot reduction in the water table separation requirement was being requested. **MOTION** by Ms. Amaral to approve the 3-bedroom repair plan dated 5/7/21, conditioned on Conservation Commission approval. Seconded by Mr. Weinberg, the vote was 2-0 in favor.
2. Robert Street (M-61/L-49; 20,000sf) Steven Souza, 2-Bedroom New Construction, Infiltrator Quick 4, Designer-Len Potter. The Director reported this system would serve an existing garage being converted into a 2-bedroom residence and the plan meets stormwater permitting requirements. **MOTION** by Ms. Amaral to approve the plan dated 5/10/21 with conditions including a 2-bedroom deed restriction and ConCom approval. Seconded by Mr. Weinberg. The vote was 2-0 in favor.

## **APPOINTMENTS**

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4:30pm – Waiver Hearing: Alex Gorodetsky for 16 Lenox Avenue, Divine Dev., 4-Bedroom Repair (23,340sf) with Sieve and MFC Waiver & WA.

This hearing was postponed until the next meeting.

**4:40pm – Waiver Hearing: Len Potter for 325 Brayton Point Rd, Janet Kinnane, 2-Bedroom Repair with an Infiltrator Quick 4 (7,056sf).**

Mr. Potter noted the results of water tests from the site and two neighboring properties with nitrate levels ranging from 3.3 to 9.7 indicating the need for a denitrification system for the property. The director indicated some product and installer certifications were needed but the plans were satisfactory.

**MOTION** by Ms. Amaral to approve the plan dated 7/6/21 with waiver for well setbacks and conditions including three years of well testing for three properties, a 2-bedroom deed restriction, hold harmless agreement, monitoring reports to be filed to Barnstable County Health Department, I/A deed notice, filing of required certification documents and ConCom approval. Seconded by Mr. Weinberg. The vote was 2-0 in favor.

**4:50pm – Cancelled.**

**5:00pm – Waiver Hearing: Mark Rodrigues for 360 Old County Rd, Madeline Costa, 3-Bedroom Repair, (80,001± sf) Stone Bed with Singulair.**

The Director indicated that the plans propose to replace the cesspool with a stone bed along with a Singulair System Treatment Unit.

The applicant is seeking a waiver to reduce the 12inch requirement for separation of inlet and outlet pipes to two inches above the water table.

Mr. Weinberg noted that the waiver is allowed, if the outlets are sealed and booted and at least one inch of separation from water table is maintained. Mr. Rodrigues noted that the site is in a wellhead protection area and all required setbacks from the buffer zone are being met.

**MOTION** by Ms. Amaral to approve the plan dated 6/25/21 with the waiver for separation distances; and conditions including ConCom approval and execution of a hold harmless agreement. Seconded by Mr. Weinberg. The vote was 2-0 in favor.

Mr. Rodrigues inquired about the status of repair plans filed for 284 Robert Street, where the use of a Singlair TNT System is proposed for a 3-bedroom home on roughly 20,000 square foot lot. He noted that a waiver for use of a sieve analysis is the only variance sought; time is of the essence as the sale and closing are contingent on the septic system repair.

**MOTION** by Mr. Weinberg to authorize the Director to approve the plans submitted with waiver for use of sieve analysis; conditions including a 3-bedroom deed restriction; and agreement for monitoring requirements. Seconded by Ms. Amaral. The vote was 2-0 in favor.

**TOPICS FOR THE NEXT REGULAR MEETING**

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None

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

**MOTION** by Ms. Amaral to adjourn the meeting at 4:45 p.m. Seconded by Mr. Weinberg. The vote was 2-0 in favor.

Submitted by Robert Barboza, Recording Clerk

The Regular Meeting of the Board of Health convened at the Town Hall Annex at 4:01 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

### **CHAIR'S ANNOUNCEMENT**

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

### **PUBLIC HEALTH NURSE PRESENTATION - Linda Pierce, RN**

1. Prevention of Melanoma: Ms. Pierce noted that the sun's rays are strongest from 10 a.m. to 3 p.m., the prime period during which people should stay out of direct sunlight and/or wear caps and sunscreen to limit skin exposure to the sun and reduce chances of developing melanoma, a disfiguring and sometimes-deadly condition. She suggested that a tan is a sign of skin damaged by overexposure to the sun and urged residents to take proper precautions to prevent development of deep tans that could lead to melanoma.
2. Extreme Heat: The Public Health Nurse also provided some suggestions on ways to cope with extreme heat conditions, which can pose a special risk to older adults, children, ill people and those who are overweight. A heat wave is considered three or more days of temperatures over 90 degrees. When trying to cope with a heat wave, residents should avoid strenuous activity, avoid direct sun during the 10-3 peak sunlight hours, wear loose light-colored clothing and stay well hydrated. She also noted, at no time should pets be left in a parked car because of the danger of overheating,

### **DIRECTOR**

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1. Written Report: There were no questions about the written report.
2. Update
  - Board of Health
    - Covid Update: Mr. Armendo indicated that the recent surge of COVID-19 cases requires a return to regular updates from the Board of Health as necessary. Since July 1, there have been 16 new cases of coronavirus reported among Westport residents, including several "breakthrough" cases among vaccinated individuals. The number of re-infected persons who previously had coronavirus is also growing, he noted. Most cases (68 percent of new cases) have been identified as Delta variant virus, which is more easily transmitted than the regular virus and produces more respiratory distress among victims.

The Director said state reports indicated that as of July 22, there were 10,484 partly or fully vaccinated residents, about 60 percent of the population. That percentage has not changed since the end of May, suggesting that most residents are not being vaccinated by choice; he

strongly urged unvaccinated residents to reconsider that position and get a vaccination to contribute to the health and safety of the greater community.

He noted that Westport Apothecary has a good supply of all vaccines and can provide shots for any residents 12 and older by appointment or walk-in visit; residents can call 1-833-983-0485 to arrange for in-home vaccinations.

He also indicated that state order still requires masks for public transportation and health care facilities, but warned that masks and social distancing practices seem to be less effective against the Delta variant of the virus. Ms. Amaral cited news reports indicating that unvaccinated children are dying in great numbers in India because of the fast-spreading Delta variant and urged that those residents who have been resisting vaccination reconsider the current data and rethink their anti-vaccination positions.

- Pump Reports: Nothing unusual reported.
- Director Approved Plan(s): **see detailed sheet**
  - a. 149 Cherry & Webb Lane, Michael Sullivan, 4-Bedroom Upgrade with Quick 4 system.
  - b. 101 Blossom Road, Jody Ponte & Nancy Ponte, 4-Bedroom Repair with stone bed.
  - c. 203 Old Bedford Road, Jane Dufault et al, 3-Bedroom Repair with stone bed.

**MOTION** by Ms. Amaral to approve the plans for 149 Cherry & Webb Lane, 101 Blossom Road and 203 Old Bedford Road conditioned on Conservation Commission reviews.

Seconded by Mr. Weinberg. The vote was 3-0 in favor.

- Animal Control: The Director reported lots of calls for dog complaints; 19 calls for cats, mostly feral or dead; and seven livestock calls, mostly loose animals. The Chair reminded cable TV viewers that dog licenses were due for renewal in April and the Town Clerk's Office is now open to the public to provide that service with proof of rabies vaccination.
- Transfer Station: Operations are going smoothly despite being short one staff member; the Director expects that vacant position will be filled soon.

## **MINUTES**

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1. June 24, 2021 special meeting. **MOTION** by Ms. Amaral to approve the minutes of the June 24, 2021 special meeting as submitted. Seconded by Mr. Weinberg. The vote was 3-0 in favor.
2. June 28, 2021 regular meeting. **MOTION** by Ms. Amaral to approve the minutes of the June 28, 2021 regular meeting as submitted. Seconded by Mr. Weinberg. The vote was 3-0 in favor.
3. July 12, 2021 regular meeting. **MOTION** by Mr. Weinberg to approve the minutes of the July 12, 2021 regular meeting as submitted. Seconded by Ms. Amaral. The vote was 2-0-1 in favor, with Ms. Ryden abstaining as she was absent from that meeting.

## **OTHER BUSINESS**

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1. Board Member Updates:

Ms. Amaral reported that she is working with Team COW for a community clean-up event tentatively scheduled for Sept. 18. The group is also collaborating with the WRWA on other seasonal clean-up plans.

Mr. Weinberg reported that the final draft of the cluster septic system plans for the Let and Cadman's Neck were presented; community reaction will be collected for use in developing any plans for next steps to be undertaken. Ms. Ryden noted topics for a planned Aug. 2, 2021 working meeting of the BOH, with the septic loan program and the fall household hazardous waste collection event on the agenda. She indicated plans for Health Notes newspaper columns on the hazardous waste collection event, and the septic loan program.

Mr. Weinberg noted that the Westport Affordable Housing Trust has offered to include BOH information flyers on the septic loan program in the direct mailings for the home-rehab grant program the WAHT regularly sends out to residents whose properties meet assessed value criteria.

Ms. Amaral noted she is thinking about outreach efforts addressing the opioid addiction crisis, including newspaper columns and school programs. Ms. Ryden suggested the BOH should collaborate with the Buzzards Bay Coalition on information sessions for engineers on innovative/alternative septic systems.

## 2. Watuppa Study:

The Chair reported a recent conversation with State Rep. Paul Schmid about the Watuppa Pond study and possible efforts to deal with the water quality issues. She noted the blue-green algae bloom has expanded northward since the no-contact warnings were issued last week; the water is unsafe for swimming by humans or pets due to the risk of bacterial infection.

Mr. Armendo noted that Fall River does not "own" pond responsibility. There was an inter-municipal management agreement proposed in 2018 between Fall River, Tiverton and Westport to address water quality issues but Westport never adopted the agreement. He indicated he would attend an upcoming meeting to kick off pond management discussions. He also cited the state DPH standards deeming more than 70,000 colonies of bacteria per liter as being unsafe for human contact, noting the pond is usually above that standard.

## 3. September Schedule:

Bi-weekly Meeting Falls on Labor Day Holiday. It was agreed that the Sept. 6, 2021 meeting should be rescheduled to 4 p.m. on Tuesday, Sept. 7, 2021 because of the holiday.

## SEPTIC PLAN REVIEWS

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Moved to Director's Report under Director Approved Plans.

## APPOINTMENTS

### **4:40pm – MFC Waiver Hearing: Len Potter for 232 Tickle Road, Jeanette Motta, 3-Bedroom Repair (20,000sf) Stone Bed with MFC Waiver.**

Engineer Len Potter reviewed the revised repair plans for 232 Tickle Road, noting the well is over 100 feet away and water tests indicated a 5.03 nitrate level. He indicated the system would need to be mounded to get the required separation from the water table. He also requested a financial waiver for the denitrification system as the costs exceeded the 10 percent of assessed value threshold.

**MOTION** by Mr. Weinberg to approve the repair plan dated 6/26/21 with MFC waiver, conditioned on Conservation Commission approval and three-bedroom deed restriction. Seconded by Ms. Amaral. The vote was 3-0 in favor.

**4:50pm – Waiver Hearing: Alex Gorodetsky for 16 Lenox Avenue, Divine Dev., 4-Bedroom Repair, (23,340sf) Eljen system with Singulair denitrification unit.**

Engineer Alex Gorodetsky reviewed the repair plan, noting the system is over 100 feet from wells and located in a wetlands buffer zone. Perc test waiver requested, allowing use of sieve analysis instead; he indicated he just managed to meet the five-foot property line setback, as components are six feet from the boundary.

**MOTION** by Mr. Weinberg to approve the repair plan dated 7/12/21, with the upgrade variances shown on the plan; and conditions including a four-bedroom deed restriction; I/A deed notice; twice per year total nitrogen testing to be reported to Barnstable County Health Dept. for two years; a hold harmless agreement; and an operating and maintenance agreement. Seconded by Ms. Amaral. The vote was 3-0 in favor.

**5:00pm – Waiver Hearing: Civil Engineering for 102 Cummings Lane, Dean Hickey, 3-Bedroom Repair, (8,640±sf) Bottomless Sand Filter with Advantex AX20.**

The Chair indicated the engineer’s request that the hearing be continued to a later date.

**MOTION** by Ms. Amaral to continue the waiver hearing until 4:40 p.m. on Aug. 9. Seconded by Mr. Weinberg. The vote was 3-0 in favor.

**TOPICS FOR THE NEXT REGULAR MEETING**

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None.

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

None.

**MOTION** by Ms. Amaral to adjourn the meeting at 5:00 p.m. Seconded by Mr. Weinberg. The vote was 3-0 in favor.

Submitted by Robert Barboza, Recording Clerk

The Special Meeting of the Board of Health convened at 11:00 a.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

**SEPTIC PLAN REVIEW**

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➤ **16 Lenox Avenue-Discuss 7/26/21 Approval, Sieve vs. Perc**

Engineer Alex Gorodetsky detailed the revisions to the repair plans for 16 Lenox Avenue, employing an Elgin system with Singulair TNT unit. He indicated that the basic design remains the same, but the calculations for the Sieve Analysis have changed; now using the smallest rate available (one inch/8) under regulations.

Mr. Armendo recommended another perc test be attempted; the engineer expressed his doubts that a new perc would be successful.

**MOTION** by Ms. Ryden to update the July 26, 2021 approval vote, adopting the revised plan dated July 28, 2021, with the same MFC Waiver and conditions as the July 26, 2021 vote. Seconded by Mr. Weinberg, the motion passed on a 3-0 vote.

➤ **101 Blossom Road (M-2/L-16&17A&C; 766,656sq. ft.) Jody Ponte & Nancy Ponte, 4-Bedroom Repair with a Stone Bed.**

Variance requested for reduction in ground water separation from required 4ft to 3.1ft. A Hold Harmless Agreement was recorded at the Registry of Deeds.

The Director noted that it was an oversight that a needed variance was not included when the repair plans were approved on July 26, 2021. He indicated the separation of the system from ground water was 3.1 feet instead of the mandated 4.0 feet.

**MOTION** by Ms. Ryden to amend the July 26, 2021 approval of repair plans to include the variance for the separation from ground water to 3.1 feet. Seconded by Mr. Weinberg, the motion passed with a 3-0 vote.

**OTHER BUSINESS**

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1. September 6, 2021 BOH meeting (Labor Day). The Chair suggested a change in the meeting calendar for the first week of September. It was decided that the Sept. 7 meeting date be changed to Wednesday, Sept.1 with an 11:00 a.m. start.

2. Septic Loan Programs. Mr. Weinberg was asked to report on his investigation of the Affordable Housing Trust's loan/grant program for home repairs and how that program's guidelines might be adapted to a new low-interest community septic repair loan program for low to moderate income residents.

The Trust's program has a grant/loan cap of \$40,000; an assessed value property cap of \$300,000; requires documentation for household income and assets (capped at \$75,000) excluding the home's value. Mr. Weinberg noted the Trust uses direct mail advertising targeting properties under the assessed value, and might be willing to share space in those mailings with information on the BOH loan program. He pointed out that the former septic loan program did not have income/asset eligibility requirements, so the BOH would have to develop application guidelines including provisions for documenting income, assets, etc. He also indicated that the Trust program requires the work contracts to go to the lowest bidder from three quotes obtained by property owner; the BOH septic loan program allowed the owner to pick their contractor.

Ms. Ryden felt the new loan program should have more flexible guidelines than the Trust program, with application requirements simplified as much as possible to reduce administrative costs. She suggested that perhaps replacing cesspools on small lots could be a priority for the marketing plan.

After some discussion, it was agreed that the loan program criteria should include a maximum loan amount of \$35,000, at one percent interest as proposed and a \$350,000 cap on assessed value. Eligibility will be limited to full-time, year-round Westport residents; income to be capped at 80 percent of Area Median Income; and maximum household assets be capped at \$75,000 excluding subject house and land. Tax returns and bank statements would be among documents required for eligibility determination.

Mr. Armendo suggested that the low bidder requirement be added; as it would allow conservation of available funds so, more loans could be made. Mr. Weinberg was hesitant to endorse the low bidder requirement. Ms. Ryden suggested a compromise position where the loan offered would be limited to the lowest bid. Ms. Amaral praised Mr. Weinberg's efforts to help design the new program, which will help protect the environment by assisting residents most in need of financial aid to upgrade their properties.

It was agreed that Mr. Weinberg refine the criteria discussed, and submit draft guidelines and application forms to the Board for further consideration.

3. Standardized Conditions. Mr. Weinberg suggested that there is potential variation in the plans submitted that a list of standardized conditions would not be applicable in many cases. He feels the current administrative process is working, and there is no need to address this issue right now.
4. Discuss Informational Session for Engineers, Consultants and Installers. Ms. Ryden believes an information session for engineers and installers would help them understand the new application requirements; Mr. Armendo felt the application submission guidelines could use a little more tweaking before that info session is held.
5. Discuss Mask Advisory. Based on rapidly rising numbers of COVID-19 cases and the CDC's latest guidelines, the Director was asked to draft a Mask Advisory. The advisory would urge all residents and visitors to use masks in public indoor spaces where social distancing is not possible.

Ms. Amaral noted the Board was not masked and social distancing at this meeting and should do so in the future to set a good example for Town Boards and the public at large and Mr. Armendo agreed those protocols should be adopted along with more space between seats for the next meeting.

Mr. Weinberg asked if the advisory should be more specific, addressing residents, public officials, and employers rather than just residents and visitors. Ms. Ryden suggested some recent case data be added to the advisory, documenting that the Town is now in “an area of substantial transmission” of the Delta variant. Mr. Armendo said the most significant number is the average of two new cases reported every day since mid-July. The consensus was to endorse the edited advisory, strongly recommending masks be worn and social distancing be practiced in public indoor spaces.

6. CEH Training-Director & Agent. Mr. Armendo requested permission to attend, along with the Agent, an educational seminar in Connecticut. Training sessions on septic system reviews and food inspection practices were among the classes of interest; he indicated that funds have been budgeted for such seminars. **MOTION** by Ms. Amaral to approve two staff members attendance at one day of training out of state. Seconded by Mr. Weinberg, the motion passed on a 3-0 vote.

#### **TOPICS FOR THE NEXT REGULAR MEETING**

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

**MOTION** by Ms. Amaral to adjourn the meeting at 12:31 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 convened 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  
Linda Pierce, Public Health Nurse

### **CHAIR'S ANNOUNCEMENT**

1. Under M.G.L., Chapter 30A, § 20(f): Meeting being recorded. The Chair noted that the recent Board of Health Indoor Mask Advisory recommends that all persons in the town wear masks in indoor public spaces, regardless of their vaccination status, especially in situations where you cannot maintain the proper social distancing of six feet between individuals. The Chair then led the meeting in the Pledge of Allegiance.

### **PUBLIC HEALTH NURSE PRESENTATION - Linda Pierce, RN**

#### ➤ Sexually Transmitted Diseases

Ms. Pierce said the August health focus was on the prevention of Sexually Transmitted Diseases, known collectively as STDs, which can cause serious health problems for sexually active persons and increase the chances of contracting HIV.

She indicated the most common risk factors for contracting an STD are not using condoms, having multiple sex partners and indulging in anonymous sex with strangers. Risk behaviors most likely to contribute to these diseases being contracted are having anal, vaginal or oral sex without a condom; she noted condoms are available in the hallway outside the BOH office.

Ms. Pierce detailed the various types of STDs and their symptoms; noted the demographic groups most at risk for each of the diseases; and reported on various treatment options in each case. As these are “preventable” diseases, residents are urged to protect themselves by adopting safe sex practices.

### **DIRECTOR**

1. Written Report: No questions.
2. Update
  - Board of Health
    - Covid Update: Mr. Armendo reported Covid-19 cases are on the rise in Westport with 30 new cases reported in July, 2 in the first two weeks of the month and 28 in the last two weeks of July. At least 10 cases were breakthrough infections of people already vaccinated. In the first nine days of August, there were 22 new cases reported, most unvaccinated residents including a number of children.

The Director cited the Aug. 2, 2021 Indoor Face Mask Advisory issued and repeated the recommendation that all persons, regardless of vaccination status, be masked indoors where proper social distancing is not possible. He noted health updates and the full advisory are on the BOH website; and reported 64 percent of all Town residents are now at least partially vaccinated with about 4,000 residents, aged 12 and over, remaining unvaccinated. He reminded residents that vaccinations are available in Westport at the CVS Pharmacy and at Westport Apothecary. Ms. Amaral noted the increasing numbers of Covid-19 cases among children, especially the Delta variant and urged parents to seek vaccinations for children of proper age. She also noted that cases requiring hospitalization are on the rise throughout Bristol County.

Mr. Armendo reported meeting with school officials last week to discuss school opening protocols, and noted the district will be following State Dept. of Elementary and Secondary Education (DESE) guidelines for health protocols. If vaccines for children under 12 are approved soon, he would work with school officials to schedule vaccination clinics for eligible students.

- Pump Reports: All in order.
- Director Approved Plan(s): (See detailed sheet)
  - a. White Oak Run, 3-B NC, ADS ARC with MircroFAST: Mr. Armendo indicated there were no issues with the new construction plans. The work was conditioned on two years of total nitrogen testing with results reported to the Barnstable County Health Dept.
  - b. Bergeron Lane, Lot 8 4B NC, ADS ARC: The Director indicated the new construction plans were satisfactory with no issues.
  - c. American Legion Hwy, 4B NC, ADS ARC: Mr. Armendo reported no issues with the new construction plans.

**MOTION** by Ms. Amaral to endorse the Director's approval of the new construction plans for White Oak Run, Bergeron Lane Lot 8, and American Legion Highway. Seconded by Mr. Weinberg, the motion passed on a 3-0 vote.

➤ Animal Control

The Director reviewed the case numbers since the last report, indicating a steady workload for ACOs. He indicated he was inviting ACO Donna Lambert to the next meeting to discuss operations.

➤ Transfer Station

Mr. Armendo reported that the Transfer Station remains under staffed and he was recommending that the regular Saturday and Sunday hours be suspended for the next two weekends because of the staffing shortage. During this suspension, he was also recommending the Station stop taking construction and demolition material, bulky items and close the redemption center. During this period, punch cards would have to be purchased at the BOH office and not the Transfer Station.

**MOTION** by Ms. Amaral to support the recommendations to close the transfer station on Saturday and Sunday for the next two weekends and adopt the temporary policy changes noted. Seconded by Mr. Weinberg, the motion passed 3-0.

## **MINUTES**

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1. July 26, 2021 reg. **MOTION** by Ms. Amaral to approved the July 26, 2021 meeting minutes as submitted. Seconded by Mr. Weinberg, the motion passed 3-0.

## **OTHER BUSINESS**

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### **1. Board Member Updates**

Ms. Ryden cited a recent U.N. Climate Change report suggesting that climate changes are presenting serious public health implications. As an example, she noted the heat advisory just issued, warning of temperatures over 100 degrees expected in the coming days, as being increasingly common.

Each person should reflect on these pressing climate change issues and ask how they can decrease those factors contributing to climate change. Ms. Amaral noted that Team COW has confirmed Sept. 18 as the next Community Clean-Up Day; the BOH will coordinate with them to assist.

She also inquired about the algae bloom situation in South Watuppa Pond and was told there was no update from the State or new tests reported.

Mr. Weinberg sought more input on the plans for a low to moderate-income community septic repair loan program discussed at the last meeting. He proposed seeking bids for engineering firms to design cost-effective plans for applicants' new septic systems, to review and choose bidders for installations for a flat fee that would be paid by the program's administrative funds. He indicated he would have a detailed outline of the program and eligibility requirements for further discussion at the next meeting.

### **2. 235-237 State Road - Chapter II Issues**

The Director reviewed the findings of an investigation of a complaint about unsafe living conditions in Unit 8 of 235-237 State Road. The inspection was documented with numerous photographs of conditions that resulted in the issuance of an emergency order declaring the premises were unfit for human habitation.

Code violations included no working smoke or CO detectors; less than the required 150 square feet of living space, no kitchen sink or food storage equipment, signs of insect infestation and bare electrical wires. Orders are going out to other tenants of the former motel, notifying them of required Health Dept. inspections to be arranged. He reported that Town Counsel is assisting with the notification and possible condemnation process. Ms. Ryden noted the photographs showed the living space was clearly inadequate for occupation, especially by children. Ms. Amaral was pleased to learn that the BOH inspector had been motivated to report the situation to the State Dept. of Children & Families because the children were deemed at risk.

**MOTION** by Mr. Weinberg to declare Unit 8, 235-237 State Road to be unfit for human habitation. Seconded by Ms. Amaral, the motion passed on a 3-0 vote. Mr. Armendo indicated that the next step would be to schedule a public hearing on the condemnation order.

**SEPTIC PLAN REVIEWS**

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1. 6 Pine Needle Way (M-30/L-25V; S.F. 20,000) Carol Mercer Estate, 3-Bedroom Repair, Arc LP Chambers, Greg Nicholas P.E.: The Director reported no issues with the repair plans. **MOTION** by Ms. Amaral to approved the repair plans dated 7/9/21 with conditions including ConCom review; two years of total nitrogen testing with results reported to Barnstable County Health Dept.; and a three-bedroom deed restriction. Seconded by Mr. Weinberg, the motion passed on a 3-0 vote.
2. 17 Rock Street (M-7/L-240-242; S.F. 18,440) Arch Strategies Inc., Louie Silva, 3-Bedroom Repair, Stone Bed, Heureux Eng., LLC. Mr. Armendo indicated that an MFC waiver was requested for site and water quality conditions. A nitrate level of 5.73 in the well test report triggered the MFC waiver request. **MOTION** by Mr. Weinberg to approve the repair plans dated 4/19/21 for 17 Rock Street with conditions including a three-bedroom deed restriction and ConCom review. Seconded by Ms. Amaral, the motion passed 3-0.
3. 40 Greenfield Road (M-20/L-122; S.F. 20,032) Patricia Mae Grota, 3-Bedroom Repair, Presby Advanced Enviro, George Ayoub. Mr. Armendo reported there was no water test and an MFC waiver was not requested. He recommended continuance. **MOTION** by Ms. Amaral to continue the review at the Aug. 23 meeting. Seconded by Ms. Ryden, the motion passed on a 3-0 vote.

**APPOINTMENTS**

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**4:30pm – Waiver Hearing: Site Design for 863 Sodom Road, Weatherlow, 3-Bedroom Repair (20,911sf) Stone Bed with Singulair 960 DN.**

Owner Ryan Wagner was present to answer questions on the 3-Bedroom repair plan to replace the existing cesspool.

Mr. Armendo indicated the system will be over 100 feet from all wells and two waivers would be needed:

- a setback for a component, one foot from the property line,
- a setback of one foot from the road layout.

**MOTION** by Mr. Weinberg to approve the repair plan dated 8/9/21 for 863 Sodom Road with requested waivers for setbacks from road and property line; a three-bedroom deed restriction; hold harmless agreement; ConCom review; two years of total nitrogen testing with results reported to Barnstable County Health Dept. Seconded by Ms. Amaral, the motion passed on a 3-0 vote.

**4:40pm – Waiver Hearing Cont'd: Civil Eng. for 102 Cummings Lane, Dean Hickey, 3-Bedroom Repair, (8,640±sf) Bottomless Sand Filter with Advantex AX20.**

Engineer Bill Smith, was present to review the 3-Bedroom repair plan to replace the existing cesspool.

Five variances are being requested:

- less than 100 foot setback from river-94 feet
- less than 100 foot setback from site well-48 feet
- less than 100 feet from neighboring well-82 feet
- setback from leaching area to foundation-

– setback from tank to foundation-

Mr. Armendo noted a possible complication with an accessory building on site being used as a fourth bedroom and occupied at the time of a site visit. The owner has agreed with Building Dept. request that the accessory building bedroom be “decommissioned” to conform with three-bedroom plans filed.

The Director wanted time to check Title V regulations to see if the bathroom in the proposed “office space” in the accessory building should be counted in total flow calculations. Mr. Weinberg said the occasional flow from the office should not be counted, as it was not commercial “office” space. Owner Dean Hickey was present and declared the accessory building bedroom was not occupied now and would be decommissioned as requested by the Building Dept.

**MOTION** by Ms. Ryden to approve the repair plans dated 2/17/21 for 102 Cummings Lane with the contingency that the office bathroom was not contributing to the total household flow and did not require a revision of plans. Further conditions to include BOH agent inspection of the accessory structure; three years of well testing for the subject property and neighboring property; Con Com review; hold harmless agreement; three-bedroom deed restriction; operating & maintenance agreement for both system components; two years of total nitrogen testing. Seconded by Mr. Weinberg, the motion passed on a 3-0 vote.

**4:50pm – Waiver Hearing Cont’d: NE Engineers - Sean Leach for 178 E. Beach Road, Alison McIsaac, 2-Bedroom Repair, (10,350sf) Tight Tank.**

Mr. Leach reviewed the repair plan for replacement of a failed system serving a two-bedroom seasonal trailer.

**MOTION** by Mr. Weinberg to approve the tight tank repair plan for 178 East Beach Road dated 6/11/21 with conditions including operating & maintenance agreement; hold harmless agreement; two-bedroom deed restriction; seasonal use deed restriction; deed notice of tight tank use. Seconded by Ms. Ryden, the motion passed 2-1. The roll call vote was Mr. Weinberg, aye. Ms. Ryden aye; Ms. Amaral, nay.

**5:00pm – MFC Waiver: Len Potter for 1 Truman Avenue for Daniel & Mary Borges, 4-B Repair, (40,510sf) Infiltrator Quick 4.**

Mr. Potter reviewed the repair plans, noting well was over 100 feet from the system and a water test indicating nitrates just above 4.0. A Maximum Feasible Compliance (MFC) waiver was being sought.

**MOTION** by Mr. Weinberg to approve the repair plans dated 6/7/21 for 1 Truman Avenue, conditioned on a four-bedroom deed restriction and a second well test. Seconded by Ms. Amaral, the motion passed on a 3-0 vote.

**TOPICS FOR THE NEXT REGULAR MEETING**

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Noted above, under Member Updates.

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

NONE

**Aug. 9, 2021**

**Westport, Massachusetts  
Regular Meeting of the Board of Health**

**Page 6 of 6**

**MOTION** by Ms. Amaral at 5:44 p.m. to adjourn the meeting. Seconded by s. Ryden. The vote was 3-0 in favor.

Submitted by Robert Barboza, Recording Clerk

The Special Meeting of the Board of Health convened at 12:30 p.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.
2. The Chair noted details of a public meeting planned in Fall River on Aug. 19 to discuss the Watuppa Pond water quality issues and the testing program.

### **OTHER BUSINESS**

#### **1. Discussion of COVID related items – vaccinations/testing.**

Public Health Director Matthew Armendo provided an update on pandemic statistics, which will be forwarded to the Select Board for public release at the August 16, 2021 Select Board meeting with public health recommendations from the BOH.

He indicated positive case data was continuing to trend upward, from two cases in first two weeks of July; to 28 cases reported from July 16-31; to 60 cases reported from August 1-15; for a total of 90 new cases since July 1. Most cases involved unvaccinated residents; the positivity rate stands at about five percent; two residents were reported hospitalized with severe cases. Latest state data shows 10,752 residents fully or partially vaccinated, about 64 percent of the Town's population.

Mr. Armendo noted free vaccinations are available in Town at Westport Apothecary and CVS. A mask advisory remains in place for public places and a mask requirement remains in place for public transportation, health facilities and school settings.

He also reported that the Transfer Station will be closed on the weekends of Aug. 14-15 and Aug. 21-22, and no demolition debris or construction material will be accepted until normal operations resume on Aug. 28.

Ms. Ryden indicated that since COVID numbers continue to trend upward, rising from one new case per day in early July to six cases per day over the past weekend, the BOH should consider issuing some new public health recommendations. Her review of the data indicated new cases are mostly unvaccinated residents, with the lowest vaccination rates among 12-15 year olds; older teens have higher rates, but overall, there is a relatively low vaccination rate among the school age population. She suggested the BOH consider recommending that the Select Board adopt a mask requirement for public buildings and testing requirements for Town employees who remain unvaccinated. Mr. Armendo noted that he has already requested that all BOH staff wear masks whenever they are in contact with the public.

**MOTION** by Ms. Ryden to recommend that the Select Board enact a mask requirement for all public buildings under their control. Seconded by Ms. Amaral. The motion passed on a 3-0 vote.

During discussion of the proposed testing protocols, Mr. Armendo explained the State Dept. of Elementary & Secondary Education policies adopted for school employees and students, requiring weekly testing for unvaccinated staff and students; daily testing for non-symptomatic positive test subjects; and a 10-day isolation period for positive test cases showing symptoms.

The schools will use rapid test kits requiring nasal swabs for onsite testing and the Town will have to obtain a supply of similar test kits for other public employees, if a testing requirement is approved by the Select Board.

Mr. Weinberg noted that ARPA (American Recovery Plan Act) federal relief money can be used to fund any testing expenses. He also suggested that the Select Board might need to negotiate testing protocols with unions as a new “condition of work” for Town employees.

**MOTION** by Ms. Ryden to recommend that the Select Board establish a COVID testing requirement for unvaccinated Town employees. Seconded by Ms. Amaral. The motion passed on a 3-0 vote.

Ms. Ryden indicated the BOH would continue to review the new case data every few weeks and revisit the testing protocol recommendation regularly based on the data. Mr. Armendo said he would work with the Select Board and Town Administrator on setting up a testing program, if the BOH recommendation was adopted. He noted that the BOH originally asked for \$50,000 of the Town’s initial ARPA allotment for health services but later increased the request to \$105,000 to include funds for a part-time public health nurse, case tracking and data reporting help and community clinics.

**TOPICS FOR THE NEXT REGULAR MEETING**

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NONE

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

NONE

**MOTION** by Ms. Amaral to adjourn the meeting at 1:03 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 convened 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  
Linda Pierce, Public Health Nurse

### **CHAIR'S ANNOUNCEMENT**

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

### **PUBLIC HEALTH NURSE PRESENTATION - Linda Pierce, RN**

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Ms. Pierce advised the Board of an increasing number of reported cases of Covid-19 among residents, with over 100 cases and 1 hospitalization recorded in the period August 1<sup>st</sup> – 23rd. The positive test result rate among residents is also climbing rapidly and is above state averages at this time. She also noted that residents can find information on test sites at the website: [mass.gov/covid19testing](https://mass.gov/covid19testing). State data also shows 10,840 residents, at least, partly vaccinated, which is an increase of 88 people over the previous report. They represent 65 percent of the Town's population.

Ms. Pierce noted that Westport Apothecary on Main Road has all three brands of vaccines available at no cost to residents.

She noted that the Town adopted a facemask advisory on Aug. 17, requiring employees and visitors to be masked in public buildings in situations where six feet of social distancing cannot be maintained. The BOH is now recommending the use of masks in all public indoor spaces where proper social distancing is not possible.

The health focus for August is Vaccination Month, with the Public Health Nurse detailing the value of vaccines in preventing disease and death from a variety of causes among countless people. Examples of effective vaccines included those for hepatitis A & B, shingles, typhus, polio, etc. She recommended residents wait a minimum of two weeks between doses of any vaccine or longer, if the patient shows any signs of illness. Other recommendations included annual flu shots for residents, especially those over 65, regular shingles vaccinations for those over 60 and Covid-19 vaccinations for all eligible residents.

### **ANIMAL CONTROL PRESENTATION – DONNA LAMBERT, ACO**

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The Animal Control Officer issued a detailed warning about the dangers of leaving pets in vehicles during the summer months when temperatures can rapidly rise in vehicles even with the windows open.

Extreme temperatures cause heat distress in animals in summer and excessive exposure to cold is dangerous in wintertime, she indicated. Ms. Amaral said the department has been getting many calls in recent weeks about dogs left in cars on hot days; the practice is not recommended for any period of time.

The symptoms of heat distress include signs of anxiety, appearing wide-eyed, barking, panting and drooling and exhibiting a long tongue. ACOs, police officers and the general public have the right to

break a window and rescue an animal in distress, she noted. Residents encountering an animal in distress in a vehicle should dial 911 to summon help, quickly seek the owner of the vehicle to resolve the problem and, if necessary, break the window as a last resort.

### **DIRECTOR OF PUBLIC HEALTH – MATTHEW ARMENDO**

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1. Written Report. There were no questions about the written report.
2. Verbal Update:
  - Board of Health  
Mr. Armendo indicated there was anything unusual in the pump reports.
  - Director Approved Plan(s): a.) 80 Shannon Drive  
b.) 883 Sanford Road  
**MOTION** by Ms. Amaral to approve the plans for 80 Shannon Drive and the repair plans for 883 Sanford Road as presented. Seconded by Mr. Weinberg. The vote was 3-0 in favor.
  - Transfer Station Update: Operations have returned to the regular schedule and the staff will begin accepting bulky items as of Saturday, Aug. 28, 2021. The site has been very busy, even with the temporary weekend closing.

### **MINUTES**

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1. Feb. 26, 2020 meeting. **MOTION** by Ms. Ryden to approve the minutes of the Feb. 26, 2020 meeting as submitted. Seconded by Mr. Weinberg. The vote was 2-0 in favor with Ms. Amaral abstaining as she was not a member of the board at that time.
2. Aug. 2, 2021 regular meeting. **MOTION** by Ms. Ryden to approve the minutes of the Aug. 2, 2021 special meeting as submitted. Seconded by Ms. Amaral. The vote was 3-0 in favor.
3. Aug. 9, 2021 regular meeting. **MOTION** by Ms. Amaral to approve the minutes of the Aug. 9, 2021 regular meeting as submitted, with the amendment that her vote to approve the tight tank plan for 178 East Beach Road be recorded as nay, not aye; the vote to approve the plans to be corrected to 2-1 in favor. Seconded by Mr. Weinberg. The vote was 3-0 in favor.

### **OTHER BUSINESS**

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#### **1. Board Member Updates:**

Ms. Amaral confirmed Team COW plans for a community clean-up event on Sept. 18, 2021 under safe guidelines for mask use and social distancing at the starting point and assigned clean-up areas.

She suggested that increased collaboration between town boards, public officials and private groups has produced great benefits to the community; she noted that the Recreation Department is helping with online registration efforts for these community events.

Mr. Armendo noted there are no current restrictions in place dealing with outdoor public events.

Ms. Ryden gave notice of the electronics-recycling day planned on Oct. 20. Mr. Weinberg distributed a handout showing potential eligibility criteria for the low/moderate income septic loan program. He suggested the main criteria should be income limits verified with multiple year tax returns, a cap on liquid assets and perhaps the value of the home; he further suggested that the \$350,000 cap on assessed value might be too low, as the median price of a home in Westport is

much higher. Ms. Ryden suggested increasing the asset cap to \$95,000 to be verified with bank and stock holding statements, tax returns or other means. After some discussion, it was agreed that the assessed value cap was not really needed as an eligibility requirement.

**MOTION** by Mr. Weinberg to approve eligibility requirements for the low interest septic loan program including family income limits up to the published HUD low and moderate income limits; and a liquid asset cap of \$95,000 per household. Seconded by Ms. Amaral. The vote was 3-0 in favor.

Mr. Weinberg indicated he would seek input from the Town Treasurer on the eligibility requirements and application forms and confirm the interest rate to be offered.

2. Covid-19 Vaccine Incentive:

The Chair announced a cooperative vaccination incentive effort with Westport Apothecary, which has all three brands of Covid-19 vaccines available at no cost. Every vaccination earns the resident a chance in a daily \$100 drawing through Sept. 10. She suggested this was a great opportunity to get children 12 and older vaccinated, as a likely state mandate for mask wearing in schools for the unvaccinated students and staff is expected soon.

### SEPTIC PLAN REVIEWS

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1. 222 Brayton Point Road (-88/L-87; sf 51,219) 222 Brayton Point Road, LLC, Upg 3B to 5B, with Infiltrator Quick 4 and MicroFAST .5 Treatment Unit, Sitec Inc. – Alison Cesar. No record of previous Board approval.

Mr. Armendo noted numerous revisions to plan first filed in 2020, with the latest plan approved by the Conservation Commission on 7/20/21. He said all indications were that the site was in a flood zone, where increased flows is not allowed. Mr. Weinberg asked that the engineer be invited to a meeting to discuss the proposed design. **MOTION** by Ms. Amaral to continue the plan review at a future meeting with the applicant's engineer. Seconded by Mr. Weinberg. The vote was 3-0 in favor.

2. Pine Hill Road (M-38/L-16/SL-1A; sf 370,000) Roger Berube, 4-Bedroom New Construction, Infiltrator Quick 4 with Advantex AX20 Treatment Unit. NE&C Inc. – Sean Leach.

Mr. Armendo reported no issues with plans for the subdivision lot. **MOTION** by Ms. Amaral to approve the plans for Pine Hill Road as submitted. Conditions include two years of Total Nitrogen Testing with results reported to the Barnstable County Health Department. Seconded by Mr. Weinberg. The vote was 3-0 in favor.

3. Sodom Road (M-59/L-5-1; sf 230,495) Buzzards Bay Area Habitat For Humanity, 8-Bedroom New Construction Duplex, Infiltrator Quick 4 with MicroFAST Treatment Unit. Sitec, Inc. – Kory Medeiros.

Mr. Armendo indicated the system was designed to handle a flow of up to 880 gallons per day and he had no issues with the plans. **MOTION** by Ms. Amaral to approve the plan dated 7/26/21 for the Sodom Road lot, with conditions including Conservation Commission review and two years of Total Nitrogen Testing with results reported to the Barnstable County Health Department. Seconded by Ms. Ryden. The vote was 3-0 in favor.

**APPOINTMENTS**

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**4:30 p.m. Waiver Hearing: Mark Rodrigues for 18 Almada Street, Gary Bienvenue, 3-Bedroom Repair, Lot size – 15,050 sf, Bottomless Sand Filter with Advantex AX20.**

Mr. Rodrigues indicated the plans were developed to repair a failed conventional system with the stated components. Both a sieve analysis and (poor) perc test were provided, but the water test results were not yet available. A waiver for the 100-foot well setback is requested, as the distance is only 99 feet.

**MOTION** by Mr. Weinberg to approve the plans dated 7/26/21 with a waiver for the well setback of 99 feet; conditions including three years of water testing with an option to request suspension of that testing requirement after the first year. Other conditions include two years of Total Nitrogen Testing with results to be reported to the Barnstable County Health Department, a hold harmless agreement, Conservation Commission review, a three-bedroom deed restriction and filing of owner's operating and maintenance agreement. Seconded by Ms. Amaral. The vote was 3-0 in favor.

**4:40 pm – Hearing: 235-237 State Road, LGKA, LLC. Board to discuss if Unit 8 is unfit for human habitation.**

The Director of Public Health said the only point being considered during this hearing was if Unit 8 was unfit for human habitation because it fails to meet minimum square footage requirements for three persons according to the state sanitary code.

He indicated there is an administrative process for addressing the other code violations discovered during a recent inspection of the premises and the owner will be given time to resolve those issues or be able to relocate those tenants to a larger unit. The owner of the property was unavailable, but property manager Gil Peixoto said he was authorized to speak for the owner in the matter.

Mr. Peixoto said there are 13 units, including eight studio apartments, all rented for over 40 years. The rental agreement for Unit 8 signed with the current tenant in January 2020 was for one adult at \$600 per month; five months ago, he was advised that two children were moving in temporarily until new housing could be found for the family. The company is in the process of trying to evict the tenant for violating the rental agreement; company policy is to rent only to one adult with no children allowed.

The Chair agreed with Mr. Peixoto's contention that the space was inadequate for three people and the tenant should vacate the premises as soon as possible. Ms. Amaral asked if the company had larger quarters available elsewhere and was told it did not; she expressed concern for the two children if the family is forced to vacate.

Mr. Weinberg asked for the status of the eviction proceedings and was told that a request for summary judgement has been filed; he suggested a BOH condemnation order might speed up the eviction process.

Mr. Armendo noted that the state eviction moratorium does not apply to cases where property is condemned for health and safety issues; but ultimately, the court will make that eviction decision.

Mr. Peixoto indicated that an exterminator has been to the site to address the ant problem and needed electrical work, which is scheduled to be done this week.

Mr. Armendo also noted that state code requires a kitchen in every rental unit and advised Mr. Pexoto to investigate the possibility of converting the property into a lodging house where kitchens are not required.

Mr. Peixoto provided the contact information necessary for him to be designated the responsible person receiving official notices, orders and other communication from the BOH as the owner is out of the country.

**MOTION** by Ms. Ryden to declare Unit 8 at 235-237 State Road to be unfit for human habitation, as it fails to meet minimum square footage requirements; the order is giving the tenant 30 days to find alternate housing and vacate the unit. Seconded by Ms. Amaral. The vote was 3-0 in favor.

**TOPICS FOR THE NEXT REGULAR MEETING**

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None.

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

None.

**MOTION** by Ms. Amaral at 5:40 p.m. to adjourn the meeting. Seconded by Mr. Weinberg. The vote was 3-0 in favor.

Submitted by Robert Barboza, Recording Clerk

The Regular Meeting of the Board of Health convened at the Town Hall Annex at 11:00 a.m. 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**

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

### **DIRECTOR OF PUBLIC HEALTH – MATTHEW ARMENDO**

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1. Written Report: No questions.
2. Update
  - Board of Health: Covid Update: Mr. Armendo reported a total of 147 COVID cases in August, compared to 30 cases in July; of the 21 new cases reported, 10 were children under 12 and most were unvaccinated individuals. He cited statewide data showing that unvaccinated persons were 30 times more likely to be infected with COVID than vaccinated persons and four times more likely to die than vaccinated persons. For those reasons, he is strongly urging all eligible residents to get vaccinated as soon as possible to help slow the current surge. He is also concerned that residents who have tested positive have been seen out in the community; he indicated they should be following quarantine guidelines. Mr. Armendo noted that information on COVID booster shots is expected soon; community clinics for booster shots may be combined with seasonal flu clinics, if both are available. He also noted the community mask advisory is in effect for public places and as of Aug. 17, a mask requirement was ordered for all town buildings.
    - Pump Reports: None
    - Director Approved Plan(s): None
  - Animal Control: Remains busy, business as usual.
  - Transfer Station: Also very busy, with two staff vacancies offset by a “borrowed” employee from another department.

### **MINUTES**

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1. Jan. 08, 2020 (No record of approval by the Board). **MOTION** by Ms. Ryden to approve the minutes of the Jan. 8, 2020 meeting as presented. Seconded by Mr. Weinberg. The motion passed on a 2-0-1 vote with Ms. Amaral abstaining.
2. Feb. 12, 2020 (No record of approval by the Board). **MOTION** by Ms. Ryden to approve the minutes of the Feb. 12, 2020 meeting with a minor amendment noted. Seconded by Mr. Weinberg. The motion passed on a 2-0-1 vote with Ms. Amaral abstaining.
3. Aug. 23, 2021 Regular Meeting. **MOTION** by Ms. Ryden to approve the minutes of the Aug. 23, 2021 regular meeting with a correction/amendment indicating the facemask order of

Aug. 17 was for “town-owned buildings” and not public buildings. Seconded by Ms. Amaral. The motion passed on a 3-0 vote.

## **OTHER BUSINESS**

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### 1. Transfer Station Vacancies.

Mr. Armendo reported two good candidates have applied for the Station Attendant position, which does not require any special licenses. He asked that the preferred candidate be recommended to the Select Board for appointment. There have been no applications received for the Transfer Station worker position, which requires a CDL license, with a hoisting license preferred and required within six months of hiring. He reported the Highway Department had several qualified applicants for jobs in that department; those candidates will be contacted to urge they apply for the Transfer Station worker job.

**MOTION** by Ms. Ryden to request that the Select Board appoint the recommended candidate for the station attendant position. Seconded by Ms. Amaral. The motion passed on a 3-0 vote.

### 2. Household Hazardous Waste Day: 1) Promotional Material; 2) Registration Process.

The Director provided an update on the event planned for 9 a.m. to 1 p.m. at the Westport Junior Senior High School on Main Road on Oct. 2, 2021. He read the draft press release indicating the disposal service would be free to residents only, with no businesses allowed; appointments will be required for the 320 slots available, with registration info going on the BOH website as soon as possible. Residents may dispose of one load of aerosols, cleaning supplies, motor vehicle fluids, batteries, propane tanks, air conditioners, microwaves, etc. but no latex paints, medical waste, or electronic devices. It was noted that the Westport River Watershed Alliance is planning an Electronics Recycling Event a few weeks after the Household Hazardous Waste Day.

### 3. Board Member Updates.

Ms. Amaral encouraged residents to sign up to volunteer for the Sept. 18 Team COW Community Clean-Up Event.

Mr. Weinberg reported he was still working with the Director on the guidelines and application forms for the new community septic repair loan program.

Ms. Ryden noted that the Town is still sending operating and maintenance agreements for I/A systems to Barnstable County Health Dept. for tracking purposes. There was some discussion of potential topics for the information sessions planned for engineers and I/A system dealers.

## **SEPTIC PLAN REVIEWS**

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1. 40 Greenfield Road (M-20/L-122; sf 20,032) Patricia Mae Grotta, 3-Bedroom Repair, Presby Advanced Enviro, George Ayoub. A continuance to a future meeting was requested and verbally approved.

**APPOINTMENTS**

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**11:30am – Septic Waiver Hearing: Len Potter, 71-A Sylvia’s Ln, Larry Culpepper, 2-Bedroom Septic Repair (sf 7,350) with Infiltrator Quick 4 and AdvanTex AX20 Mode 3.**

Mr. Potter was present to discuss the plans for the denitrification system, roof drains for stormwater control and waivers requested for well distances.

The proposed plans call for the demolition of the existing building with new construction and a new well 80 feet from the onsite system. The system would be 90 feet from the nearest neighboring well. The well test was taken but results are not yet available. Mr. Armendo noted some supporting information on the denitrification system was still needed. Mr. Weinberg questioned whether the abutter notification was proper.

**MOTION** by Ms. Ryden to continue the waiver hearing until 4:40 p.m. on Sept. 20. Seconded by Mr. Weinberg. The motion passed on a 3-0 vote.

**TOPICS FOR THE NEXT REGULAR MEETING**

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NONE

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

NONE

**MOTION** by Ms. Amaral at 11:38 a.m. to adjourn the meeting. Seconded by Mr. Weinberg. The vote was 3-0 in favor.

Submitted by Robert Barboza, Recording Clerk

The Sept. 20, 2021 Regular Meeting of the Board of Health convened at the Town Hall Annex at 4:00 p.m. 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**

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1. Under M.G.L., Chapter 30A, § 20(f): Meeting Being Recorded. The Chair led the meeting in the Pledge of Allegiance.

### **4:30 Appointment Taken Early: Special Agent Appointment and Introduction, Diane Heath:**

The Chair welcomed Diane Heath, the new Tobacco Control Director of the Western Bristol County & Foxborough Tobacco & Alcohol Prevention Program.

Ms. Heath stated that she will be working with town and city officials in the nine communities covered by the program, offering educational materials to retailers and ensuring compliance with tobacco sales regulations. Her office also works with local police departments on investigations of complaints against retailers when necessary. Ms. Ryden and Ms. Amaral both asked about educational resources available to schools and were told that none were available at this time.

**MOTION** by Ms. Amaral to appoint Diane Heath as Special Agent for the Town of Westport for purposes of enforcing tobacco control regulations. Seconded by Mr. Weinberg. The motion passed on a 3-0 vote.

**MOTION** by Ms. Ryden to rescind the appointment of Fred Ponte as a Special Agent. Seconded by Ms. Amaral. The motion passed on a 3-0 vote.

### **DIRECTOR OF PUBLIC HEALTH – MATTHEW ARMENDO**

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1. Written Report: No questions.
2. Update
  - Board of Health
    - Covid Update: Mr. Armendo said there were 170 new cases of COVID-19 reported in the period between Sept. 1 and Sept. 20, with many of the victims being children 12 and under. He reported many questions coming into the health office about booster shots, but there has been no guidelines set by the Centers for Disease Control at this time.
    - Pump Reports: All in order.
    - Director Approved Plan(s): See Detailed Sheet
      - 1) Cahoon's Lane (M2/L14D) Jacob & Jennifer Sadeck-NC. Mr. Armendo indicated that the plans filed were for 3-Bedroom new construction with the location requiring a denitrification system. Conditions include supply of required supporting documents for the denitrification system, two years of total nitrogen testing, test results reported to the Barnstable County Health Dept. with fee waiver and filing of an operating and maintenance agreement.

- 2) 941-943 Sanford Road (M-22/L-17) David Weissman-Commercial Repair: The Director reported these plans were for the repair of the system serving a storage unit with a new stone bed system.

**MOTION** by Ms. Amaral to endorse the approval of the plans for Cahoon's Lane (M-2/L-14D) with the above stated conditions and the plans for 941-943 Sanford Road as submitted. Seconded by Mr. Weinberg. The motion passed on a 3-0 vote.

➤ **Animal Control:**

Mr. Armendo reported the department is busy as always, with many calls for service. He reported that the Animal Control Dept. will be closed from Sept. 20 to Sept. 22, and be open for business as usual on Sept. 23. He also noted a reported large beehive behind the Town Hall Annex, and urged caution while in that area; the beehive will be removed shortly.

- **Transfer Station:** The Director reported the new attendant started work today, and will have several days of hands-on training in different phases of the job. Ms. Ryden reported a bee problem at the bottle recycling site at the transfer station, caused by unrinsed soda bottles. A representative of the local Boy Scout troop will be invited to the next meeting to discuss more frequent disposal of the bottles.

## **OTHER BUSINESS**

1. **Transfer Station Vacancies:** The Director reported that he is still seeking candidates for the second vacancy in the department, as he has no applicants so far. Ms. Ryden suggested that the Board revisit the new job description calling for a CDL and hoisting license preferred, since there seems to be a problem attracting qualified applicants at the current pay level.
2. **Transfer Station Fee Schedule:** Mr. Armendo provided a copy of the existing fee schedule, and a proposed fee schedule eliminating the "assessed on site" charges for furniture and other bulky items and replacing those charges with set fees. Ms. Ryden noted the fee schedule may be revised with a formal vote, and no public hearing is needed. Ms. Amaral and Mr. Weinberg wanted some assurances that the new set fees will cover the town's actual disposal costs. The Chair read the list of proposed changes: \$20 for sofas; \$10 for chairs; \$10 per carpet, etc. and half load and full load rates for pickup trucks (\$25/\$45), stake body trucks (\$50/\$125) and non-commercial trailers (\$50/\$125).

**MOTION** by Ms. Amaral to adopt the proposed fee schedule as presented. Seconded by Mr. Weinberg. The motion passed on a 3-0 vote.

3. **Household Hazardous Waste Day:** Registrations are being accepted online and by phone for the Oct. 2 HHW disposal event planned for 9am-1pm at the former junior/senior high school. Up to 320 vehicles can be accommodated with 40 already registered. Mr. Armendo said the service is free for Westport residents only with non-commercial waste accepted to include household chemicals with warning labels; motor vehicle fluids except oil; air conditioners, propane tanks, batteries; and flammable liquids. No asbestos, explosives, medical waste, or latex or acrylic paints will be accepted. It was noted that the WRWA is planning an electronics recycling event from 9am-11am on Oct. 20 behind the Town Hall; details online at wrwa.org. Mr. Armendo also reported that medicine disposal is available through the kiosk at the police station and disposal of syringes can be arranged by calling the Public Health Nurse.
4. **Landfill Operations:** Passed over.

5. Arbovirus Surveillance Program Report-9/13/21: The Director indicated that West Nile Virus has been found in mosquitos in this area and residents should take precautions to prevent bites such as wearing long sleeves and long pants and applying insect repellent. Residents should eliminate all standing water on their property when possible to reduce breeding opportunities for mosquitos, and secure doors and windows with screens.

6. Board Member Updates:

Ms. Amaral reported that the Team COW Community Clean-up went well, although there were less volunteers than last time. She said she is planning the next community wellness event, as well as next year's Mental Health Awareness Month activities.

Mr. Weinberg reported meeting with the Town Administrator to review the new community septic loan program and has another meeting with the Town Administrator and Town Treasurer next week to try to confirm the interest rate to be charged. He suggested that the escrow agreement for Francis Estates be on the next agenda.

### SEPTIC PLAN REVIEWS

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1. 40 Greenfield Road (M-20/L-122; sf 20,032) Patricia Mae Grota, 3-Bedroom Repair, Presby Advanced Enviro, George Ayoub. Mr. Armendo reported that water tests showed a nitrate level of 9.23 mg/L and indicated a MFC waiver will be required as the well is 117 feet away from the system. **MOTION** by Ms. Ryden to approve the 3-Bedroom repair plan dated July 14, 2021 for 40 Greenfield Road with conditions including a 3-Bedroom deed restriction, compliance with all Presby installation requirements and a letter to the owner recommending annual well testing. Seconded by Mr. Weinberg. The motion passed on a 3-0 vote.
2. 477 Sanford Road (M-18/L-33) Alan & Paula Manchester, 3-Bedroom Repair, Stone Bed with MFC Waiver & WA, Alan Heureux. Mr. Armendo indicated the well was over 150 feet from the proposed system. **MOTION** by Ms. Ryden to approve the repair plan date Aug. 17, 2021 for 477 Sanford Road with conditions including a 3-Bedroom deed restriction and Conservation Commission approval. Seconded by Ms. Amaral. The motion passed on a 3-0 vote.
3. 51 Meadow Road (M22/L68; sf 20,000) Ward Family Nominee Trust, Infiltrator Quick 4 with Singulair, Carl Bevilacqua. The Director indicated all was in order with the Aug. 16, 2021 repair plans including denitrification components. **MOTION** by Ms. Ryden to approve the Aug. 16, 2021 repair plans for a 3-Bedroom system at 51 Meadow Road. Conditions including compliance with all I/A system regulations, a 3-Bedroom deed restriction, filing of an operating and maintenance agreement, two years of total nitrogen testing to be reported to the Barnstable County Health Dept. with fee waiver. Seconded by Mr. Weinberg, the motion passed on a 3-0 vote.

### APPOINTMENTS

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**4:40pm – Septic Waiver Hearing-Cont'd from 9/1/21: Len Potter for 71-B Sylvia's Lane, Larry Culpepper, 2-Bedroom Septic Repair (sf 7,350) w/ Infiltrator Quick 4 and AdvanTex AX20 Mode 3.**

Mr. Potter reviewed the details of the two-bedroom repair plans, requesting waivers for well distances (90 feet from abutter and 80 feet from proposed new site well).

**MOTION** by Mr. Weinberg to approve the repair plan dated July 29, 2021. Conditions include a 2-Bedroom deed restriction; Conservation Commission approval; waivers for well distances of 80 feet

from proposed well and 90 feet from abutter's well; a hold harmless agreement; an operating and maintenance agreement; three years of water testing for both site well and neighbor's well; and two years of total nitrogen testing with results reported to the Barnstable County Health Dept. with fee waiver. Seconded by Ms. Amaral. The motion passed on a 3-0 vote.

**4:50pm - MFC Waiver Hearing: Len Potter, 44 Union Ave, John Medeiros, Upgrade from 2 to 3 bedrooms (3.3 Ac) with Infiltrator Quick 4.**

Mr. Potter reviewed plans for an upgrade to a three-bedroom system using the Infiltrator Quick 4 system; he reported a successful perc test and plans to install an artesian well. The owner is seeking to add 750 square feet of living space to use as a studio apartment for live-in help (his daughter) and is seeking a MFC waiver for the denitrification requirement because of the additional cost.

Ms. Ryden noted the By Law calls for 100-foot setbacks from wetlands for new construction and a waiver is possible only if the denitrification system is installed.

Mr. Weinberg suggested an option of decommissioning one bedroom in the existing home and allowing the efficiency apartment to be counted as the second bedroom then the repair would be an upgrade, not technically new construction because of increased flow.

Mr. Potter requested a continuance so his client can consider the options.

**MOTION** by Ms. Amaral to continue the waiver hearing until 4:30 p.m. on Oct. 18. Seconded by Mr. Weinberg. The motion passed on a 3-0 vote.

**5:00pm – Septic Review with Designer: Steve Gioiosa for 222 Brayton Point Road (M-88/L-87; sf 51,219) 222 Brayton Point Road, LLC, Upg 3B to 5B, with Infiltrator Quick 4 and MicroFAST .5 Treatment Unit, Sitec Inc. Continued from Aug. 23, 2021.**

Mr. Gioiosa reviewed the plans filed in 2010 for a three-bedroom system but provided floor plans indicating it was actually a five bedroom home by DEP standards. The owner is seeking to upgrade the current septic system with nitrogen reduction components to improve groundwater quality and so the residence can now be recognized as a five-bedroom home.

Mr. Weinberg noted the new plans suggest an increased flow, so the site has to be considered new construction, not an upgrade.

Ms. Ryden agreed, saying she was not inclined to approve the plans as an increased flow in a flood zone or velocity zone. It is not allowed. Mr. Gioiosa suggested the original plans were not properly filed or approved for five bedrooms. His client will not invest in nitrogen reduction technology without the upgrade approval to five bedrooms. Mr. Weinberg suggested the engineer attempt to secure a letter from DEP officials declaring the plans are not an increase in design flow under Title V regulations. Mr. Gioiosa said his client was agreeable to withdrawing the application and re-filing at a later date.

**MOTION** by Ms. Amaral to approve the request to withdraw the application. Seconded by Mr. Weinberg. The motion passed on a 3-0 vote.

**TOPICS FOR THE NEXT REGULAR MEETING**

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Ms. Ryden suggested:

- East Beach tight tanks be discussed at the next meeting
- Requested a Boy Scout Troop representative be asked to attend next meeting to discuss the redemption area at the Transfer Station.

Mr. Weinberg suggested:

- The Francis Farms escrow agreement should be up for discussion.
- Discussion of Board approval of all denitrification systems, with no director approvals.

There was some discussion of scheduling a work session for 9:30 a.m. on Sept. 29.

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

NONE

**MOTION** by Ms. Amaral at 6:10 p.m. to adjourn the meeting. Seconded by Ms. Ryden. The vote was 3-0 in favor.

Submitted by Robert Barboza, Recording Clerk

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

Chair opened the meeting at 9:30 am with the announcement that under M.G.L., Chapter 30A, § 20(f): Meeting is being recorded.

### **OTHER BUSINESS**

1. **Septic Loan Program Implementation:** Mr. Weinberg described the progress on the Fund 20 septic loan application form for low/moderate income applicants. Asset cap will be 95K, house value cap 450K with income verification based on tax filing. Treasurer as agreed to 1% interest rate for this program. Nelia Williams is finalizing the form and Mr. Weinberg has agreed to help screen applications & income/asset documentation. Once the form is finalized, we can start publicizing the program through press releases and Health Notes. Mr. Weinberg is working on the PR. The regular septic loan program can proceed at the 4% interest rate set by the Treasurer once we have the approval back from the state. Chairperson thanked Phil for his efforts on this project.
2. **Francis Estates Escrow Agreement:** This is for a 12-home shared denitrifying septic system in a subdivision off Main Road. The homeowner's association needs to set up an escrow account to cover any potential repair/maintenance expense of the septic system. Mr. Weinberg has been working on the legal agreement, along with the Director and Town Counsel. We are looking at the model Easton uses to assess based on lifetime replacement cost and prorate based on that. The Board agreed with this direction so Mr. Weinberg will continue to finalize with the developer/engineers.
3. **East Beach Tight Tanks:** Mr. Armendo described his proposal that any septic system or tight tanks that fail in the future must go to self-containment. The Board was supportive of this approach to protect the environment, especially given rising sea level and advised the Director to continue to work on this.
4. **Budget Planning:** Ms. Ryden described the current fiscal year funding issues with regard to landfill maintenance, Transfer Station hiring (low salary for CDL driver is making it hard to get applicants) and Animal Control coverage. Our Finance Committee representative has informed the Director that the BOH also needs to plan now for capital needs (TS shed replacement) and any 'needs, not wants' that should be advocated for in case of an override. The Director said the biggest need was more staffing, which could be justified by the amount of revenue we are now bringing in. Chairperson asked all members to start thinking on what funding recommendation priorities we should have for discussion at a meeting in the near future.

### **TOPICS FOR THE NEXT REGULAR MEETING**

Various topics for inclusion were discussed. An Executive Session to discuss Health Director's contract will also be added. The Chair also noted that there would be public meetings on Oct. 12 and 19<sup>th</sup> to discuss the final reports on cluster system feasibility for the Let and Cadman's Neck respectively. Those meetings will be posted so any BOH member can attend.

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

1. 9 Velvet Avenue Proposed Septic Plan-Vote to Rescind Approval.

Matt described the issues with this septic project on a 4,800 sq. ft. lot with the primary issue being the leach field will be above grade of garage foundation and only 8 inches from the garage. This was missed on initial review so the project approval needs to be rescinded. Matt will talk with engineer about any possible alternative placement of the system.

**MOTION** by Ms. Ryden to rescind the 10/21/20 approval for the septic repair at 9 Velvet Ave. Seconded by Ms. Amaral. Vote in favor was unanimous.

**MOTION** by Ms. Amaral at 10:35 a.m. to adjourn the special meeting. Seconded by Ms. Ryden. The motion passed unanimously.

Submitted by Tanja Ryden, Chair

The meeting was called to order at 3:35 pm. **MOTION** by Ms. Amaral to move to Executive Session. Second by Ms. Ryden. Mr. Weinberg was not present at opening of the meeting but did attend the session.

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

### **EXECUTIVE SESSION**

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Pursuant to the provisions of the M.G.L. c. 30A, s 21(a)(7), Chair declares an open meeting will have a detrimental effect to:

- 1) Discuss Public Health Director Employment Agreement.
- 2) Approve and release or hold the Previous Executive Session Minutes:  
2021 - Jan. 25; April 29; May 03; May 13; & June 14

### **Executive Session Minutes:**

1. Approve Executive Session minutes: January 25, 2021. **MOTION** by Ms. Ryden to approve and release minutes 1/25/21 with one correction of Ms. Amaral abstaining from the vote. Seconded by Ms. Amaral. The vote was two in favor. Mr. Weinberg was absent for the vote.
2. Approve Executive Session minutes: April 29, 2021. **MOTION** by Ms. Ryden to approve and not release minutes 4/29/2021. Seconded by Ms. Amaral. Mr. Weinberg was present. The motion passed unanimously.
3. Approve Executive Session minutes: May 3, 2021. **MOTION** by Ms. Ryden to approve and not release minutes 5/3/2021. Seconded by Ms. Amaral. The motion passed unanimously.
4. Approve Executive Session minutes: May 13, 2021. **MOTION** by Ms. Ryden to approve and release minutes 5/13/2021. Seconded by Ms. Amaral. The motion passed unanimously.
5. Approve Executive Session minutes: June 14, 2021. **MOTION** by Ms. Ryden to approve and not release minutes 6/14/2021. Seconded by Ms. Amaral. The motion passed unanimously.

### **Discuss Public Health Director Employment Agreement:**

Ms. Ryden addressed how increased COVID cases and staffing issues at both the Transfer Station and Animal Control have increased Mr. Armendo's workload and worktime.

Mr. Armendo addressed that his comp-time had to be used and that because of these issues he has been unable to do so. He also has a good deal of vacation time that he has not been able to use. H stated that he works the hours he does because he takes pride in his work as Director of Public Health and wants to do a good job.

The Select Board was approached by Ms. Ryden regarding how to compensate Mr. Armendo. They agreed to a payout of one vacation week to Mr. Armendo and may re-evaluate further compensation at the end of the fiscal year.

There was a discussion on how to support Mr. Armendo. Hiring a Senior Agent will help him manage his time and be able to delegate more responsibilities.

Mr. Weinberg suggested the BOH go back to the Select Board to communicate the challenges of the Department of Public Health with the current personnel and financial constraints. There was a discussion regarding the new responsibility given by the Select Board to the BOH of the landfill cap maintenance. It was suggested the Board revisit this issue in another executive session.

It was also suggested that the Barn Book be discussed in another meeting.

**MOTION** by Ms. Ryden to adjourn the Executive Session and move to open session at 4:05 pm.  
Seconded by Ms. Amaral. The motion passed unanimously.

Submitted by Donna Amaral, Secretary

The October 4, 2021 Regular Meeting of the Board of Health convened at the Town Hall Annex at 4:00 p.m. 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. Under M.G.L., Chapter 30A, § 20(f): Meeting being recorded. The Chair led the meeting in the Pledge of Allegiance.
2. Acknowledgement for William "Bill" Harkins: The Chair noted the recent passing of former BOH member and chair Bill Harkins and invited Board members to reflect on his public service.

Mr. Weinberg recalled serving with Mr. Harkins at a time when the Board was dealing with many controversial health issues but did not have a Public Health Director. He recalled Mr. Harkins as being an extremely principled person who he respected for his integrity and service.

### **EXECUTIVE SESSION**

**3:30** – Executive Session: Pursuant to the provisions of MGL c 30A section 21(a), Chair declares an open meeting will have a detrimental effect to:

- 1) Discuss Public Health Director Employment Agreement.
- 2) Approve and release or hold the Previous Executive Session Minutes: 2021 - Jan. 25; April 29; May 03; May 13; & June 14. The Board reconvened in open session at 4:09 p.m.

### **PUBLIC HEALTH NURSE PRESENTATION – ADDICTION**

Public Health Nurse Linda Pierce indicated that this month's health focus was on addiction, a complex disease that affects the brain's normal functions because of the influence of the drug being taken.

There are two kinds of addiction — a chemical addiction to the drug being abused; and a behavioral addiction that drives the compulsive actions. Together, regular use builds the desire to keep repeating the compulsive behavior.

She noted there are many treatment centers available to addicts, using different therapies and treatment often has to be repeated because of relapses. Ms. Pierce reported that she is working with Fire Dept. EMT Glenn Nunes and St. Anne's Hospital addiction nurse Stephanie Perry to develop a class on administering Narcan, which is an opiate overdose reversal drug. Grant funding is available to purchase the Narcan that will be distributed to class participants and to cover costs of the planned classes. The Chair expressed the Board's support for the planned program and other awareness-raising efforts.

The Public Health Nurse also reported that flu vaccinations are now available through her office, with appointments required by calling (508) 636-1030. She has acquired 200 does of the universal flu vaccine and 250 doses of the Over-65 vaccine. She is extending her Monday office hours from 3 to 6

p.m. to accommodate residents who work daytime hours and has planned flu clinics at Edgewater Apartments, Greenwood Terrace and the Council on Aging in the coming week.

### **DIRECTOR OF PUBLIC HEALTH**

1. Written Report: The Chair commented that the BOH Agent on temporary “loan” at the Transfer Station for 23 days has caused him to fall behind with other duties.
2. Update –
  - Board of Health
    - Covid Update: Mr. Armendo reported 190 COVID cases in September, with three resident deaths; through Oct. 4, 10 new cases have been reported. He stressed once again that only widespread vaccinations will stop the spread of the disease and encouraged all residents to get vaccinated.
    - Pump Reports: No issues reported.
    - Director Approved Plan(s): None.
  - Animal Control: The department is shorthanded because the assistant is attending training classes so regular coverage cannot be maintained.
  - Transfer Station: The staff shortage continues, with a new job description being posted but no qualified applicants have responded yet. Mr. Armendo noted that the key requirement is a CDL B License (commercial driver’s license with air brake endorsement). The Chair suggested that if the position cannot be filled, the current hours of operation cannot be maintained. The BOH may have to consider an outside contractor for transport of roll-off containers, but the Director noted that the cost is too great to use an outside contractor on a regular basis.

### **OTHER BUSINESS**

1. Transfer Station Vacancy: The Chair suggested that if the position cannot be filled, the current hours of operation cannot be maintained. The BOH may have to consider an outside contractor for transport of roll-off containers, but the Director noted that the cost is too great to use an outside contractor on a regular basis.
2. Planning Training for Engineers on Denite Requirements: Ms. Ryden suggested that a date in mid or late November be considered for the planned training session of Denite Requirements. Mr. Weinberg noted some information on MFC, well distance requirements and other topics may need to be fine-tuned before the training session. It was suggested that the Director seek specific questions from engineers about the new approval process that could also be addressed.
3. Post Household Hazardous Waste Day Discussion: Ms. Ryden noted 216 cars brought hazardous materials to the event, including a great number of fire extinguishers and propane tanks. She also reported a lot of positive feedback from residents. Ms. Amaral suggested the Board consider charging a small fee at future events to help pay the high disposal costs; Ms. Ryden noted there is no spot payment mechanism in place and expressed concern that fees might discourage resident participation. The assistance of the Recreation Department with registrations was acknowledged.
4. Board Member Updates: Ms. Amaral reported plans to meet with School Superintendent Tom Aubin to discuss the Wellness Event held at the high school this fall.

**SEPTIC PLAN REVIEWS**

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1. 134 State Road (M-3/L-39; sf 21,661) John & Janice DeSouto, 3-Bedroom + Commercial Repair, Stone Bed with Singulair, Mark Rodrigues.

Mr. Armendo indicated there were no design issues with the mixed use repair plan, and noted the engineer is seeking acceptance of a sieve analysis in lieu of a perc test.

**MOTION** by Mr. Weinberg to approve the repair plan dated Sept. 1, 2021 for 134 State Road with a three-bedroom deed restriction; submission of all required I/A notices and documents; Conservation Commission approval; acceptance of the sieve analysis; two years of effluent testing with results to be reported to the Barnstable County Dept. of Public Health. Seconded by Ms. Amaral. The motion passed on a 3-0 vote.

2. 1322 Drift Road (M-56A/L-107; 3.3Ac) Ed Flynn, 5-Bedroom New Construction, Infiltrator Quick 4 with AdvanTex AX20, NE Eng. Jeremy Rosa. Mr. Armendo indicated all the required paperwork has been filed with the exception of the operating and maintenance agreement. Ms. Amaral questioned the connection of the (future) barn to the septic system.

**MOTION** by Ms. Ryden to approve the septic system plans for the house at 1322 Drift Road dated July 14, 2021; with the contingency that more information be provided to the Director on the barn tie-in for approval of that connection. Other conditions include, Conservation Commission approval; submission of all required I/A system notices and documents; and two years of effluent testing with results to be reported to the Barnstable County Dept. of Public Health.

**APPOINTMENTS**

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**4:30 p.m. – Discussion: Justin Koster, Representative for Boy Scouts re: Redemption Area at the Transfer Station.**

Boy Scout Troop 100 Scoutmaster Justin Koster and Assistant Scoutmaster Scott Koster met with the Board to discuss problems with the bottle redemption center at the Transfer Station.

The Chair and Mr. Armendo both stressed the need for regular clean-ups and bottle removals at least once a week since the Transfer Station staff cannot assist with this task. Mr. Justin Koster said the issue this summer was the lack of volunteers to police the area due to the pandemic and summer camp attendance; he doesn't think the troop will be able to service the redemption center weekly. The Chair urged the Scoutmasters to discuss the issues with troop members and parents and confirm to the Director that adequate volunteer coverage can be arranged so that collections may continue. The Assistant Scoutmaster said new, larger signs will be installed to encourage residents to properly sort the glass and plastic bottles and aluminum cans properly.

**TOPICS FOR THE NEXT REGULAR MEETING**

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None

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

None

**MOTION** by Ms. Amaral at 5:16 p.m. to adjourn the meeting. Seconded by Mr. Weinberg. The vote was 3-0 in favor.

Submitted by Robert Barboza, Recording Clerk

The Oct. 12, 2021 Special Meeting of the Board of Health convened at the Town Hall Annex at 1:00 p.m. 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**

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1. The Chair announced that under the provisions of M.G.L., Chapter 30A, § 20(f): Meeting Being Recorded.

### **OTHER BUSINESS**

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1. Operational Changes for the Board of Health: Mr. Armendo began his presentation by noting that the BOH has tripled its revenues for all services in the past three years and that the Department's offices are now closed a half day on Wednesdays to deal with the increase in paperwork generated by the growing workload. The half day of "paperwork" time is not enough, so he proposed closing all day on Wednesdays through the end of the year to deal with paperwork and the numerous telephone calls and e-mails generated by an increasing number of I/A septic system filings and issues. Mr. Weinberg asked for details on the large number of Wednesday morning visits by engineers and contractors; Ms. Ryden agreed with the Director's judgement that the BOH staff has not increased as much as the workload and needs to be supplemented.

**MOTION** by Ms. Ryden to close the BOH offices all day on Wednesdays for the remainder of 2021. Seconded by Mr. Weinberg, the motion passed on a 3-0 vote.

2. Operational Changes for the Transfer Station: Mr. Armendo said he has been evaluating different options for handling the staff shortage at the Transfer Station, where the Attendant II position remains unfilled despite months of advertising.

The first option is to continue to seek an attendant with a CDL license who can transport full containers to the disposal site. He feels the \$21 per hour rate is the main reason the job remains unfilled as qualified drivers can make much more in the private sector. The second option is to hire outside contractors to transport containers, but the Director thinks this would be a very expensive alternative. He obtained three quotes, and reported 24-hour notice would be required to schedule pick-ups and would not be available for "sick day" coverage without that notice. The Chair noted that an outside company would not provide needed coverage at the Transfer Station on Saturdays and Sundays.

Mr. Armendo indicated that the Select Board was unlikely to approve of changing the attendant/ driver position to the higher "transportation worker" pay rate classification for Highway Dept. drivers because it would require re-opening the contract for negotiation of the changes and probably impact other departments. He also noted that the Select Board has declined to fund more widespread advertising for the position.

Mr. Weinberg asked for more details on why two attendants with CDL and hoisting licenses were needed at the transfer station at all times. Mr. Armendo explained that sick time, vacation time and transport time might impact safe operations Monday through Saturday; one staffer is at the gate and the other is needed to assist residents and supervise proper placement of trash and recyclables;

Ms. Ryden cited safety concerns with only one staff member on duty if an injury or other emergency occurs. Mr. Armendo recommended the Transfer Station be closed, if only one staff member is present and that hours of operation be reduced to 10 a.m. to 2 p.m. weekdays.

It was also recommended that the current attendant be paid a \$150 stipend to renew her hoisting license and offered a promotion to Attendant II with a 50 cent per hour raise; Mr. Armendo indicated the cost increase for the remainder of the year would be less than \$1,000.

**MOTION** by Ms. Amaral to adopt the short-term recommendations to reduce the weekday hours at the transfer station from 10-2 due to safety concerns, effective Oct. 18; weekend hours to remain unchanged. The Director is also authorized to offer the attendant the stipend and pay raise as incentive to secure a hoisting license. Seconded by Mr. Weinberg. The motion passed on a 3-0 vote.

During discussion of long-term options for operations, there was consensus that the BOH should recommend the Select Board support a review of the attendant job descriptions and consider a \$24 per hour rate for the level two position; and authorize the hiring of a temporary worker for the entry-level attendant position for up to six months (seasonal). BOH members further decided that an offer to pay for the CDL license training for the higher level post with a mandated pay-back period, would need more investigation. Mr. Armendo indicated that the CDL training costs about \$10,000 and is not in the current budget; the training takes three to four months. It was also decided that the Transfer Station would continue operating under reduced hours until the staffing issue and safety concerns were resolved.

### **SEPTIC PLAN REVIEW**

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1. 1322 Drift Road Proposed Plan-Discussion. Mr. Armendo reported continuing discussions with the consulting engineer regarding the plans, clarified to be a five-bedroom system for a four-bedroom home with an additional bedroom/bathroom in the barn. Plans were being revised for the next meeting.

### **TOPICS FOR THE NEXT REGULAR MEETING**

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None.

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

None.

October 12, 2021

**Westport, Massachusetts  
Special Meeting of the Board of Health**

**Page 3 of 3**

**MOTION** by Ms. Amaral at 2:14 p.m. to adjourn the meeting. Seconded by Mr. Weinberg. The motion passed on a 3-0 vote.

Submitted by Robert Barboza, Recording Clerk

The Oct. 18, 2021 Regular Meeting of the Board of Health convened at the Town Hall Annex at 4:00 p.m. 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

### **CHAIR'S ANNOUNCEMENT**

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

### **PUBLIC HEALTH PRESENTATION – Linda Pierce, RN**

1. Lungs & Breathing: Ms. Pierce spoke about the role of the lungs in promoting good health and the risks of respiratory diseases caused by inhalation of hazardous substances. She noted that the greatest social danger to the lungs is smoking, which significantly increases the risk of developing lung cancer and other diseases. Other danger sources for the lungs include household chemicals, scented candles and air fresheners. She cited yoga, meditation and deep breathing practices as good ways to exercise the lungs. Ms. Pierce also warned that people with difficulty breathing normally are among those at highest risk for severe COVID-19 symptoms.
2. Flu Vaccine: Ms. Pierce reported that her office has a good supply of universal and over-65 flu vaccines and is offering a series of free clinics to distribute them to residents. Upcoming clinics include one planned for the Council on Aging on Oct. 20, with appointments requested; flu shots are also offered at her office in the Annex on Mondays from 3 p.m. to 6 p.m. She also reported working on a plan to offer flu vaccinations to housebound residents.

### **DIRECTOR OF PUBLIC HEALTH**

1. Written Report: Ms. Amaral inquired about the number of tattoo parlors in Westport.
2. Update
  - Board of Health:
    - a). Covid Update – The Director reported 90 cases of coronavirus from Oct. 1 to Oct. 18 with one resident death. The number of cases is holding steady, matching September's numbers; he urged residents to get vaccinated to help stop the spread of the disease. Mr. Armendo also reported the receipt of flu vaccines by the BOH as previously mentioned by the Public Health Nurse.
    - b). Pump Reports – No unusual issues.
    - c). Director Approved Plan(s): a) 439 Briggs Road, Barry Cohen, Upgrade. b) 64 Christopher Circle, James DeMello, Repair. c) 37 Elise Michelle Way, Edward Hahn, Upgrade.  
**MOTION** by Ms. Amaral to endorse the Director's approval of plans for 439 Briggs Road; 64 Christopher Circle; and 37 Elise Michelle Way. Seconded by Mr. Weinberg. The motion passed on a 3-0 vote.
  - Animal Control – Mr. Armendo indicated the Department is currently short staffed with only the Assistant ACO working weekdays and weekends. The Director advised the Board he was

changing the department work schedule to Monday through Friday with emergency response only on weekends. Mr. Armendo reported that the barn book inspections have been started by Mr. Reis and the Assistant ACO and are due to be completed by the end of December. Mr. Weinberg indicated he would advise residents in his next newspaper column that inspectors will be visiting properties soon.

- Transfer Station – The Director indicated reduced operations are continuing with one vacancy remaining to be filled; hours are now Monday, Thursday and Friday from 10-2, and Saturday and Sunday from 8:30-3.

He noted the receipt of several inquiries about the vacant position, but said the applications were withdrawn after the salary rate was discussed. He is expanding the advertising program for the post in hopes of drawing new applications. Ms. Ryden noted residents and town officials need to understand the reduced hours are due to lack of staff and related safety issues and will remain in effect until those issues are resolved.

## MINUTES

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1. March 10, 2021 spl. **MOTION** by Ms. Amaral to approve the minutes of the March 10, 2021 special meeting as submitted. Seconded by Mr. Weinberg, the motion passed on a 3-0 vote.
2. June 05, 2021 spl. **MOTION** by Ms. Amaral to approve the minutes of the June 5, 2021 special meeting as submitted. Seconded by Mr. Weinberg, the motion passed on a 3-0 vote.
3. Aug. 16, 2021 spl. **MOTION** by Ms. Amaral to approve the minutes of the Aug. 16, 2021 special meeting as submitted. Seconded by Mr. Weinberg, the motion passed on a 3-0 vote.
4. Sept. 01, 2021 reg. **MOTION** by Mr. Weinberg to approve the minutes of the Sept. 1, 2021 regular meeting as submitted. Seconded by Ms. Amaral, the motion passed on a 3-0 vote.
5. Sept. 20, 2021 reg. **MOTION** by Mr. Weinberg to approve the minutes of the Sept. 20, 2021 regular meeting as submitted. Seconded by Ms. Amaral, the motion passed on a 3-0 vote.
6. Sept. 29, 2021 spl. **MOTION** by Mr. Weinberg to approve the minutes of the Sept. 29, 2021 special meeting as submitted. Seconded by Ms. Amaral, the motion passed on a 3-0 vote.
7. Oct. 04, 2021 reg. **MOTION** by Ms. Amaral to approve the minutes of the Oct. 4, 2021 regular meeting with the correction of Other Item #4: "... to discuss the wellness event with the Superintendent." Seconded by Mr. Weinberg, the motion passed on a 3-0 vote.

## OTHER BUSINESS

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1. Approval of Joe Reis promotion from Health Agent to Sr. Agent. Mr. Armendo requested the promotion of Joe Reis from Health Agent to Senior Agent, citing his experience and great job performance to date.

Ms. Ryden noted that Town Meeting had authorized funding for additional help in the Health Department. Mr. Weinberg supported the recommendation, noting Mr. Reis has a good record in his current position; Ms. Amaral agreed that Mr. Reis is a valued asset of the Department. Mr. Reis expressed his thanks for the assessments and said he is looking forward to the challenges of the new post. **MOTION** by Ms. Amaral to approve the promotion of Joe Reis from Health Agent to Senior Agent. Seconded by Mr. Weinberg. The motion passed on a 3-0 vote.

1. Fee Schedule - Set Minimum Rate for Engineering Consultant Review. The Director noted past issues with the “market rate” charges for consultant services and recommended that a minimum of \$2,500 for professional consulting services be adopted. Costs will be deducted from the deposited amount with more funds requested if needed; applicants are refunded any unused portion. **MOTION** by Ms. Amaral to approved the change in the fee schedule as recommended, setting a minimum fee for consulting services from “market rate” to \$2,500. Seconded by Mr. Weinberg, the motion passed on a 3-0 vote.
2. Board Member Updates. Mr. Weinberg indicated that after discussions with the staff on the new septic loan program, he would recommend starting the program in January 2022.

Ms. Amaral reported meeting with Team COW founder Martin Costa to discuss Wareham’s recent decision to ban sales of liquor “nips” in 2022; the little liquor bottles are a major source of roadside litter. As the BOH is responsible for roadside litter efforts by a 1993 town meeting vote (Article #49), she would like discussion of a similar ban to be on a future agenda.

Ms. Ryden reported a recent visit to the Transfer Station and reported new signage posted by the Boy Scouts at the bottle redemption center. The bins need emptying, however, and the Director was asked to call the Scouts and determine what their plans are for the center.

Ms. Ryden indicated that the Master Plan Update Committee had sought input on public health issues and pandemic response plans for the update; she also noted the upgrade in Innovative/Alternative Septic System regulations should be included in the update.

## **SEPTIC PLAN REVIEWS**

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1. 266 Robert Street (M-62/L-2R; 20,000sf) Denise & Steven Weaver, 3-Bedroom Repair, ARC 36 LP with Singulair, Greg Nicholas. The Director indicated there were no issues with the repair plans. **MOTION** by Ms. Amaral to approve the repair plan dated 10/1/21 with a three-bedroom Deed Restriction, 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 Mr. Weinberg, the motion passed on a 3-0 vote.
2. Main Road (M-55/L-29/SL-2; 66,608sf) John & Lyndelle Santos, 4-Bedroom New Construction, Infiltrator Quick 4 with Singulair, Kevin Silva. Mr. Armendo indicated no issues with the new construction plans. **MOTION** by Mr. Weinberg to approve the new construction plans dated 8/31/21 for lot 29/sub lot 2, Main Road with compliance of 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 vote.
3. Main Road (M-55/L-29/SL-3; 64,209sf) John & Lyndelle Santos, 4-Bedroom New Construction, Infiltrator Quick 4 with Singulair, Kevin Silva. Mr. Armendo indicated no issues with the plans. **MOTION** by Ms. Amaral to approve the new construction plans for sub lot 3, Main Road, contingent on compliance with all I/A system requirements and two years of total nitrogen testing with results reported to the Barnstable County Health Dept. Second by Mr. Weinberg. The motion passed on a 3-0 vote.
4. 134 State Road (M-3/L-39; 21,661sf) John & Janice DeSouto, 3-Bedroom with Commercial, Stone Bed with Singulair, Mark Rodrigues. **No action** - approved on Oct. 4, 2021.
5. 37 Elise Michelle Way (M-63/L-9&10; 75,504sf) Edward Hahn, Upgrade from 2 to 4 Bedrooms, Infiltrator Quick 4, Len Potter. **No action** – Director already approved plan.

6. 46 Cape Bial Lane (M-83/L-115&61E; 4.25Ac) Henry Frisch, 2-Bedroom Repair, Infiltrator Quick 4, Len Potter. Mr. Armendo noted a 2,200 square foot expansion was planned and recommended a post-work inspection be required to confirm that no additional bedrooms are added. **MOTION** by Mr. Weinberg to approve the two-bedroom repair plan for 46 Cape Bial Lane with conditions including a two-bedroom deed restriction and a post-work inspection by the BOH. Second by Ms. Amaral. The motion passed on a 3-0 vote.
7. 281 & 283 American Legion Hwy. (M-61/L-20B; 28,437sf) Salibi Reality LLC, Demo from 5-Bedroom House to a 4-Bedroom Duplex, Infiltrator Quick 4, MFC Waiver & WA, CEC, Inc. The Director indicated the owners plan to demolish the existing five bedroom home and replace it with a four bedroom duplex structure. The Maximum Feasible Compliance waiver is sought because of site conditions and good water quality results. **MOTION** by Mr. Weinberg to approve the four bedroom upgrade plans dated 8/30/21 for 281 & 283 American Legion Highway with corrected design flow numbers to be included on a revised plan; conditions including a four-bedroom Deed Restriction and Conservation Commission approval. Seconded by Ms. Amaral, the motion passed on a 3-0 vote.

## **APPOINTMENTS**

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### **4:30pm – Waiver Hearing (Cont'd from 9/20/21): Len Potter for 44 Union Avenue. Designer Request to Continue to the Next Meeting.**

**MOTION** by Ms. Amaral to continue the waiver hearing for 44 Union Avenue until 4:50 p.m. on Nov. 1st. Seconded by Ms. Ryden. The motion passed on a 3-0 vote.

### **4:40pm – Waiver Hearing: Mt. Hope Eng. for 63 Milk Avenue, Maureen Taylor, 3-Bedroom Repair, Bottomless Sand Filter with Fuji Clean (11,194sf).**

The representative from Mt. Hope Engineering reviewed the 3-Bedroom repair plan with a Bottomless Sand Filter and a Fuji Clean component. He indicated there was four feet of separation between the groundwater level and the bottom of the system.

Ms. Ryden noted the Fuji Clean CE-5 unit comes with monthly testing by the manufacturer; total nitrogen testing twice per year would still be required. She also noted there is no space reserved for a septic tank, if needed.

Mr. Armendo reviewed the requested waivers:

- property line setback to tanks, 7.3 feet
- property line setback to SAS, 5 feet
- distance from site well to SAS, 52.9 feet
- distance from SAS to foundation, 16.4 feet
- acceptance of sieve analysis in lieu of perc

The engineer indicated that the high lead levels shown by the water test will probably result in drilling of a new well; interior plumbing will also be investigated for lead sources. Mr. Armendo said the owner would be notified the water was not potable and negotiations with the owner would be initiated by his office to resolve that issue.

**MOTION** by Mr. Weinberg to approve the repair plans dated 9/01/21 for 63 Milk Avenue with all waiver requests accompanying the plan. Approval subject to receipt of a revised plan stamped by a registered land surveyor and a plan for the remediation of the high lead levels in the water. If a new well is installed, it must be at least 52.9 feet from the septic system. Additional conditions include, a three-bedroom deed restriction; Conservation Commission approval; meeting of all I/A system requirements including total nitrogen testing twice per year with those results and monthly test data reported to the Barnstable County Health Dept.; submission of a Hold Harmless Agreement; three years of well testing; and acceptance of the sieve analysis. Seconded by Ms. Amaral, the motion passed on a 3-0 vote.

**4:50pm – Waiver Hearing: Daniel Petronelli (Owner) for 755 State Road, Proposing a 2nd Well 83 feet from the Septic System.**

Mr. Petronelli indicated that there is low pressure from the existing shallow well located 51 feet from the septic system. He would like to replace it with an artesian well at a location 83 feet from the septic system.

**MOTION** by Ms. Ryden to approve a setback variance for the new well to be located at least 83 feet from the septic system; subject to three years of well testing 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**

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None

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

None

**MOTION** by Ms. Amaral to adjourn the meeting at 5:41 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 convened at the Town Hall Annex at 4:00 p.m. 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

### **CHAIR'S ANNOUNCEMENT**

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

### **PUBLIC HEALTH PRESENTATION – Linda Pierce, RN**

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#### ➤ **DIABETES**

Public Health Nurse Linda Pierce presented a talk on this month's public health topic, Diabetes. She explained the differences between Type I Diabetes, caused by a genetic inclination and appearing in childhood and Type II Diabetes, a diet-related condition that develops over time and impacts adults.

Ms. Pierce detailed some of the effects on the chronic disease, resulting in the body's inability to produce enough insulin or to use insulin effectively. Symptoms include frequent urination, fatigue, sores that do not heal and tingling in hands and feet. Ms. Amaral noted that the disease can be properly managed in order for people to live normal lives without serious health risks.

### **DIRECTOR OF PUBLIC HEALTH**

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#### 1. Updates

##### ➤ Board of Health

- Covid Update: Mr. Armendo reported that the Town had 132 cases in October with one death and several residents hospitalized. The total was down 60 cases from September. He noted that the FDA has approved emergency use of a COVID-19 vaccine for children aged 5-11 with final approval from the CDC expected soon. As soon as the vaccine is approved, BOH vaccine clinics will be scheduled for that age group.
- Pump Reports: No issues
- Color Copier: Mr. Armendo reported continuing problems with the color copier at the Annex, which is old and needs replacement. He felt the BOH should endorse the plan to replace the machine. **MOTION** by Ms. Ryden to support the request to replace the color copier. Second by Ms. Amaral. The motion passed on a 3-0 vote.

##### ➤ Director Approved Plan(s): None

- ##### ➤ Animal Control: The Director referred to his attached memo about Animal Control Dept. operations, hampered by having only one person on staff and unable to provide 24/7 coverage at this time. He indicated the Assistant ACO's schedule has been changed to

Monday through Friday with emergency only response on every other Saturday and Sunday. This schedule will be maintained until fully staffed.

- Transfer Station: Discussion under Other Business.

## **MINUTES**

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1. October 12, 2021 special meeting. **MOTION** by Ms. Amaral to approved the minutes of the Oct. 12, 2021 special meeting as presented. Second by Mr. Weinberg. The motion passed on a 3-0 vote.
2. October 18, 2021 regular meeting. Ms. Amaral offered several amendments to the minutes: On page 3, item #2, adding “Article 49” to the Town Meeting vote reference; and under Septic Plan Reviews, correcting A/I systems to I/A systems. **MOTION** by Ms. Amaral to approve the minutes of the Oct. 18, 2021 regular meeting with the above amendments. Second by Mr. Weinberg. The motion passed on a 3-0 vote.

## **OTHER BUSINESS**

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1. Board Member Updates: Mr. Weinberg reported that the presentation on the neighborhood-cluster system option for Cadman’s Neck resulted in lots of questions posed by residents, but little support for the idea. He suggested that the Planning Board may shift their focus now to presenting a cluster system proposal for The Let to gauge neighborhood interest in that option.
2. Ms. Ryden noted publication of a Letter to the Editor thanking participants in the recent Household Hazardous Waste Recycling Program.
3. Transfer Station Vacancy: The Director reported that there is still one vacancy for a CDL driver at the Transfer Station with plans to expand advertising for the position. He requested authorization to hire a temporary/seasonal worker to supplement the short-handed staff. He noted that the station is not accepting bulky waste at this time due to disposal issues; he will discuss other disposal options with SEMASS, a site located at the West Wareham/Rochester line. Ms. Ryden noted that the Select Board has approved hiring a seasonal temp. for up to four months, so he can proceed with hiring a temp.
4. The Chair indicated that there was still an issue with the bottle donation center at the Transfer Station. It is apparent that the Scouts are not policing the area regularly, causing a build-up of donations and drawing pests to the site, so she suggested the service be suspended. Ms. Amaral suggested other community groups could be solicited to take over the donation bins; she asked that the Scouts be invited to present a weekly maintenance plan at the Nov. 15 meeting.
5. Engineer Information Session: The Chair indicated that she has drafted and distributed a draft list of information session topics for member feedback; a date in January will be set for the session. It was noted that there are some older BOH regulations that should be reviewed and revised to comply with newer policies and guidelines. There was some discussion of planning a work session to discuss reviewing some of those old regulations.
6. Town Treasurer to Discuss Septic Program Interest Rate: Town Treasurer Susan Brayton attended, providing details on the State Law (MGL Ch. 80, s. 13), which requires the Town to charge five percent interest on the betterments charged for the new septic repair program. The rate for the current program was four percent; BOH members hoped to arrange a lower

interest rate for the low/moderate income program. She noted that changes in billing software will allow the betterments to be billed quarterly instead of once a year as they are now. BOH members expressed their disappointment at being unable to offer a lower interest rate, feeling it may hurt resident interest in the program.

### **SEPTIC PLAN REVIEWS**

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1. American Legion Hwy. (M-21/L-2B/SL-1) Ron Oliveira, 3-Bedroom New Construction, Infiltrator Quick 4 with MicroFAST, Lot Size 84,514s.f. Mr. Armendo reported no issues with the plans, and recommended approval. **MOTION** by Mr. Weinberg to approve the 3-Bedroom New Construction plans with the condition for two years of Total Nitrogen Testing twice per year, with the results reported to the Barnstable County Health Dept. Second by Ms. Amaral. The motion passed on a 3-0 vote.

### **APPOINTMENTS**

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#### **4:30 pm – Waiver Hearing: Wendy Henderson for 26 Almada Street, Jennifer Strollo, 3-Bedroom Repair, Infiltrator Quick 4 and Singulair, Lot size 22,840s.f.**

Ms. Henderson outlined the Maximum Feasible Compliance application for repair of a failed system.

The waivers sought were:

- proposed system to be located 8 feet from an abutting property line
- proposed system to be 10 feet from a wetland area
- allow use of a sieve analysis in lieu of a perc test

The Director said the plans do not specify that denitrification components will be used; Ms. Henderson agreed that the “DN” designation was missing although the system design calls for the DN unit. **MOTION** by Mr. Weinberg to continue the hearing until 5:00 p.m. on November 15, 2021 so the plans can be corrected. Second by Ms. Amaral. The motion passed on a 3-0 vote.

#### **4:40 pm – Waiver Hearing: Mark Rodrigues for 3 Fifth Avenue, Norma Lemar Life Estate, 3-Bedroom Repair with Bottomless Sand Filter and AdvanTex, Lot size 9,600s.f.**

Mr. Rodrigues detailed the nitrogen reduction system designed for the Maximum Feasible Compliance application.

Waiver requested:

- 65.6 foot setback vs. 100 feet to the abutter well at 70 Osborne Street.

Mr. Armendo indicated there were no issues with the plan and all materials had been provided.

**MOTION** by Mr. Weinberg to approve the 3-Bedroom repair plan dated 9/27/21 for 3 Fifth Avenue, with conditions including a three-bedroom deed restriction and a waiver for the 65.6 foot well setback. Other conditions include a hold harmless agreement, three years of well testing and two years of Total Nitrogen Testing twice per year with results reported to the Barnstable County Health Dept. Second by Ms. Amaral. The motion passed on a 3-0 vote.

**4:50 pm – Waiver Hearing-Cont'd from 10/18/21: Len Potter for 44 Union Avenue, John Medeiros, 2 to 3 Bedroom Upgrade with Infiltrator Quick 4 and Singulair, Lot size 3.3Ac.**

Mr. Potter presented revisions to a previous plan reflecting the change to a denitrification system and the proposed relocation of the existing well. The upgraded flow will result from the addition of a one-bedroom in-law apartment. Mr. Armendo reported no issues with the plans, and recommended approval.

**MOTION** by Ms. Amaral to approve the 3-Bedroom Upgrade plans dated 10/18/21, subject to Conservation Commission review and with a condition for two years of Total Nitrogen Testing twice per year with results reported to the Barnstable County Health Dept. Second by Mr. Weinberg. The motion passed on a 3-0 vote.

**5:00 pm – MFC Waiver Hearing: Len Potter for 1868 Main Road, Paul Dobbins, 5 to 4-Bedroom Repair with Infiltrator Quick 4, Lot size 26,000 s.f., Waiver Form & WA.**

Mr. Potter presented the 4-Bedroom repair plans, including a proposal for a new well on the small lot due to e-coli and coliform counts. Nitrates were reported at 0.9 by the engineer, who indicated the new septic treatment system will be 100 feet from all wells.

**MOTION** by Mr. Weinberg to approve the MFC application and 4-Bedroom repair plan dated 10/11/21 subject to Conservation Commission review with conditions including a four-bedroom deed restriction and a post-construction inspection. Second by Ms. Amaral. The motion passed on a 2-0-1 vote with Ms. Ryden abstaining.

**TOPICS FOR THE NEXT REGULAR MEETING**

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Ms. Amaral asked that Town Meeting Article 49 be on the next agenda for discussion.

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

**MOTION** by Ms. Amaral to adjourn the meeting at 5:36 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 convened at the Town Hall Annex at 4:00 p.m. 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

### **CHAIR'S ANNOUNCEMENT**

1. Under M.G.L., Chapter 30A, § 20(f): Meeting Being Recorded. The Chair led the meeting in the Pledge of Allegiance.

### **PUBLIC HEALTH NURSE PRESENTATION – Linda Pierce, RN**

Review of Ticks and Their Diseases: Ms. Pierce said that because of the relatively warm weather, ticks are still active so she was revisiting the July health topic – ticks and the diseases their bites can cause.

She reviewed the long list of bacterial and viral infections transmitted by tick bites with symptoms of most of those diseases including fever, headache, fatigue and a rash around the bite site. More severe symptoms are exhibited in the later stages of Lyme Disease, babesiosis and other tick-born illnesses.

Precautions against tick bites include use of insect repellents and a thorough skin check and/or shower after being outdoors around leaf litter where ticks are active. Ms. Pierce reminded cable television viewers that flu shots are available at the Public Health Nurse Office at the Annex by appointment daily (except Tuesdays-closed) from 8 a.m. to 2:30 p.m. and Mondays from 3-6 p.m. Both the universal and over 65 versions of the flu vaccine are available.

### **DIRECTOR OF PUBLIC HEALTH**

1. Written Report: No questions.
2. Updates –
  - Board of Health
    - Covid Update: The Director said that 69 positive cases among residents were reported since Nov. 1<sup>st</sup>;  
The Town-wide vaccination rate has climbed to 71 percent with unvaccinated residents still being strongly urged to get their shots. He reported several vaccination clinics were held for the newly approved 5-11 year old age group with a total of 309 people getting some form of vaccination during those clinics.  
Mr. Armendo noted numerous calls to the Health Department with questions about the mask order for Town buildings; he suggested that the order could be lifted after the Town's positive test rate falls below 5.0 percent – the positive rate is currently 5.77 percent. The Board agreed with 3 consecutive weeks <5% would recommend lifting to the Board of Selectmen.
    - Pump Reports: No issues raised.

- Director Approved Plan(s): None.
- Animal Control: The Director reported that the Assistant ACO has been busy; the Assistant ACO and a BOH agent are continuing the barn inspections.
- Transfer Station: Discussed under other business.

## MINUTES

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1. November 01, 2021 Reg.

## OTHER BUSINESS

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1. Board Member Updates: Ms. Ryden suggested a working meeting to discuss the topics for the planned information session for engineers, with a tentative time of 11 a.m. on Monday, Nov. 22 set.

Mr. Weinberg said he had more information on interest rate restrictions for the community septic repair loan program to be discussed at a future meeting. Ms. Amaral asked that Town Meeting Article 49 be on the agenda for discussion at the next meeting.

2. 41 E. Briggs Road Title 5 Inspection-Needs Further Evaluation for Water Analysis. Engineer Mark Rodrigues was representing the owner, seeking to determine if a nitrate-reducing water filter would be adequate mitigation of the high nitrate level (12.3) found in the water test. He suggested that the current septic system, installed around 1977, was still functioning properly and should meet the Title V requirements.

Ms. Ryden felt the current leaching pit was not an adequate system, and was the likely source of the high nitrates that made the water unsafe for drinking purposes. She noted the well was within the currently required 100-foot setback, and the 45 year-old septic system was at the end of its useful life. Mr. Weinberg noted the well was downgrade of the system; Ms. Amaral said the small size of the lot made solution options rather limited.

**MOTION** by Mr. Weinberg to declare the system at 41 East Briggs Road as a failed system under Title V standards. Second by Ms. Amaral. The vote was 3-0 in favor of the motion.

3. Elizabeth & Durval Silva: Request for a 1-Yr Extension for Proposed Septic Plans for Sodom Road, M-59/L-7&11/SL-7B, Approved on 12/11/2018.

**MOTION** by Ms. Amaral to approve a one-year extension for the proposed septic plans for Lot 70, Sodom Road. Second by Mr. Weinberg. The motion passed on a 3-0 vote.

4. ARPA Request Update for Public Health Funding: Mr. Armendo updated the Board on the \$105,000 in ARPA funding requested for BOH purposes. He noted that on 9/22/21 the Select Board approved a partial list of expenditures: \$15,000 for PPE and supplies; \$20,000 to supplement the Public Health Nurse staff; and \$19,000 for the purchase of a trailer and equipment for mobile clinics. Mr. Armendo said some PPE supplies have been purchased and quotes are being sought for trailers; he proposed the posting of a part-time nurse position, 10 to 15 hours per week to handle contact tracing duties being assigned local communities and to serve as back-up for the Public Health Nurse in other situations.

**MOTION** by Ms. Amaral to approve the hiring of a part-time nurse, 10-15 hours per week. Second by Ms. Ryden. The motion passed on a 3-0 vote.

**MOTION** by Ms. Ryden to endorse the Select Board approval to expend up to \$15,000 for PPE and related supplies; to expend up to \$20,000 for part-time nursing services; and to expend up to \$19,000 to purchase and equip a trailer for mobile clinic purposes. Second by Ms. Amaral. The motion passed on a 3-0 vote.

5. Capital Improvements: The Director indicated he has been working on a 10-year plan for capital needs, due to the CIPC by December 1. Future needs include replacement of the Transfer Station shed, including bathroom and tight tank; replacement of the aging Animal Control van; and replacement of the front-end loader at the Transfer Station. Quotes are coming to help him finalize those numbers.

**MOTION** by Ms. Amaral to endorse the filing of the 10-Year Capital Needs Plan prepared by the Director, as presented. Second by Mr. Weinberg. The motion passed on a 3-0 vote.

6. Covanta Contract for Trash Disposal: Mr. Armendo noted that the Transfer Station had to close last Monday because the containers were full and the regular disposal outlet was closed. As an emergency measure, an agreement was reached for a five-year disposal contract with Covanta for their Rochester facility. The agreement is for bagged waste only and no bulky waste or construction materials. Agreements with ABC and other companies will help ensure timely disposal of bulky waste and construction materials.

**MOTION** by Mr. Weinberg to endorse the signing of a five-year contract with Covanta for disposal site use. Second by Ms. Amaral. The motion passed on a 3-0 vote.

7. Transfer Station Temp Agency for Attendant: The Director reported there were no applications for the vacant worker position (with CDL) at the Transfer Station. He was scheduled to meet with a candidate on Nov. 16, and if they are not interested, will immediately pursue the hiring of a temporary agency worker as discussed. He will raise the issue of inadequate pay for the worker (with CDL) position with the Finance Committee at a scheduled meeting in January.

## **SEPTIC PLAN REVIEWS**

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1. 9 Velvet Avenue (M-16/L-175-177) Jeffrey & Pamela Kuckuk, 2-Bedroom Repair with Bottomless Sand Filter and Singulair, s.f. 4,800. Mr. Armendo indicated there were no issues with the repair plan, but it was determined that a Title V variance is required for the project. Mr. Weinberg agreed that the well setback variances were improperly approved and a Title V variance is needed.

**MOTION** by Mr. Weinberg to advise the engineer of the need to file a Title V variance application and additional information. Second by Ms. Amaral. The motion passed on a 3-0 vote.

## **APPOINTMENTS**

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**4:20pm – Discussion: Justin Koster, Boy Scout Representative re: Redemption Program at the Transfer Station.**

Mr. Koster and several other troop representatives were present to discuss the redemption center.

Ms. Ryden summarized past issues with overflowing bins, insect infestations and the removal schedule and noted the BOH had asked for a weekly maintenance plan to be submitted in writing by troop leaders.

Mr. Koster said he had not agreed to provide a written plan and was not prepared to present one; he indicated he would do so via email to the Director and made a verbal promise that the troop would service the redemption center weekly. Mr. Koster explained that a tent had been set up for storage of full bags and bins until there was enough volume to transport the bottles and cans; the tent was damaged by recent high winds and temporarily removed.

**4:30pm – Septic Waiver: Wendy Henderson for 88 Third Street, 88 Third Street, LLC, 2B- Repair with Quick 4 and Singulair (s.f. 187,000).**

Ms. Henderson represented the owners, proposing a two-bedroom repair plan that required waivers from minimum setbacks from wells and wetlands.

Ms. Ryden noted that entire parcel, within 200 feet of a coastal barrier beach, needed maximum protection of sensitive resource areas. She wanted an assurance the plans called for the Singular denitrification unit be clearly specified as the TNT 500 model. The Chair also noted that two letters of support for the plans had been received from abutters.

**MOTION** by Mr. Weinberg to approve the 2-Bedroom Repair Plan dated 11/3/21 with well and wetlands waivers as requested for 88 Third Street; with conditions including Conservation Commission review; two years of Total Nitrogen Testing with results reported to the Barnstable County Health Department; execution of hold harmless agreement and 2-Bedroom Deed Restriction. Second by Ms. Amaral. The motion passed on a 3-0 vote.

**4:40pm – Public Hearing for Stable Permit: 963 Sodom Road, Joseph Wood for up to 12 Horses for Boarding.**

Mr. Wood was present to discuss his application for a stable permit for up to 12 horses and confirmed that his plan was to offer boarding services to area horse owners.

**MOTION** by Ms. Amaral to approve the stable permit application for 963 Sodom Road, subject to the filing of the Animal Site Registry form and proof of rabies and other vaccinations for any horses on the property. Second by Mr. Weinberg. The motion passed on a 3-0 vote.

**4:50pm – Septic Waiver Hearing: Mark Rodrigues for 1 Meadow Road, Jeremy & Nedina Correia, 3-Bedroom Repair with Stone Bed and Singulair (s.f. 20,071). (Error-should be #10 Meadow Rd)**

Mr. Rodrigues indicated that the Singulair TNT 500 unit would be used for the repairs.

The requested waiver was for the minimum 12-inch vertical separation between inlet and outlet pipes.

**MOTION** by Ms. Amaral to approve the three-bedroom repair plans dated 10/25/21 for 1 Meadow Road with the requested waiver for minimum separation standard. Conditions including a three-bedroom deed restriction, execution of a hold harmless agreement, two years of Total Nitrogen Testing

with results reported to the Barnstable County Health Department and I/A notice filings as needed. Second by Mr. Weinberg. The motion passed on a 3-0 vote. (should be 10 Meadow Road)

**5:00pm – Septic Waiver Hearing Cont'd from 11/01/21: Wendy Henderson for 26 Almada St, Jennifer Strollo, 3-Bedroom Repair with Bottomless Sand Filter & AdvanTex (s.f. 9,600).**

Ms. Henderson reviewed the revisions to the previous plan and the request for an upgrade variance.

**MOTION** by Mr. Weinberg to approve the repair plans for 26 Almada Street with the setback waivers as detailed in the plans dated 11/4/21 with conditions including Conservation Commission review, a three-bedroom deed restriction, execution of hold harmless agreement and two years of Total Nitrogen Testing with results reported to Barnstable County Health Department. Second by Ms. Amaral. The motion passed on a 3-0 vote.

**TOPICS FOR THE NEXT REGULAR MEETING**

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The Fiscal Year 2023 budget plan – Level funded budget requested. The Director indicated a list of additional requests to consider is coming.

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

None.

**MOTION** by Ms. Amaral to adjourn the meeting at 5:52 p.m. Second 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 the Town Hall Annex at 11:00 a.m. 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**

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The Chair announced that under the provisions of M.G.L., Chapter 30A, § 20(f): Meeting Being Recorded.

### **OTHER BUSINESS**

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1. **Engineer Training Session.** Ms. Ryden opened discussion of the planned topics for the Engineer Training Session planned in January, suggesting the focus should be on clearly stating under what conditions denitrification systems are required; a statement of the information needed for an application; and an explanation of how the administrative process will work. The Chair feels key points include clearly stating the testing requirements (for two years, twice per year, reported to Barnstable County Health Department) and the execution of an operating and maintenance agreement. She noted that the grant program paying for testing and reporting ends in December.

Mr. Weinberg asked what happens to the reported test data and what happens if nitrogen levels are not reduced as expected. Mr. Armendo indicated Barnstable County Health Department reviews the data and notifies owners if the system is not working properly. The BOH has a variety of options for systems that do not work as designed, up to and including, requiring replacement of the "failed system" with a conventional system in the designated reserve area.

There was considerable discussion of the term "immediately adjacent to" in reference to wetlands and surface water as it is undefined in the local regulations. Mr. Armendo cited the two accepted definitions for the term in state regulations. It was suggested the definition could be added to the proposed comprehensive regulations to be reviewed later.

There was general agreement that the information session should make clear when denitrification systems are required, as specified under several local BOH regulations and policies and town bylaws.

Discussion turned to how the Maximum Feasible Compliance guidelines should be addressed at the information session and how the need for nitrogen reduction filtration on wells could be addressed by regulation revisions. It was noted that denite system is required for MFC applications when the well is less than 100 feet from the system and nitrate levels are above 5.0.

Mr. Weinberg suggested special consideration should be given to very small lots when regulations are revised or if site well is down gradient from the system.

Ms. Amaral noted that if engineers were given handouts with clear instructions on the application process, they would be able to follow the directions; Mr. Armendo added that each denitrification system comes with a State Approval Letter that clearly outlines what is needed for the local application. At the end of discussions, the Chair indicated she would work on a revised outline for the training session for engineers.

- 2. Community Septic Loan Program.** Mr. Weinberg indicated he had followed up on the Treasurer's declaration that the interest rate for the new loan program had to be five percent and further research indicated the Town can charge five percent or up to two percent above the loan rate the town obtains. As the Town borrowed the money at two percent, the interest charged can stay at four percent (as present program). He suggested the matter could be referred to the Town Administrator for further clarification of the statute.

All members agreed they would like to see the interest rate to stay at four percent to encourage participation and reduce costs to residents. Mr. Weinberg volunteered to draft a letter to the Town Administrator on the matter, requesting the Board of Selectmen authorize a four percent rate.

- 3. Transfer Station.** Mr. Armendo reported there were still no applicants for the position requiring a CDL-B license, so he will move forward with hiring a temporary worker to fill in until a new Attendant is hired. The second attendant will ensure there are always two staff members on duty.

He has contracted with a trucking company to bring regular haul-off deliveries to disposal sites. He also reported on two more disposal options with contracts signed with the SEMASS waste-to-energy facility in Rochester and the New England Waste Disposal site in Taunton.

- 4. Budget Request.** The Chair asked for questions and comments on the budget proposals prepared by the Director. Budget A contains the bare minimum funding to maintain operations, a \$2,452 increase over the current BOH budget; Budget B includes additional funding requests for new positions or services deemed necessary.

The Director indicated the small increase in Budget A includes small contracted wage increases, stipends for cell phone use by transfer station staff and more funding for advertising. Ms. Amaral asked if any funds were budgeted for community outreach and education programs and learned there was not; she advocated for some funding to be included for that purpose in Budget B. Mr. Armendo said the need for additional staff is most critical and he advocated for additional funds for a part-time clerk and part-time health agent be included in Budget B. He suggested the wages for the two Animal Control Department positions were very low and should be increased to a more appropriate level; and recommended that \$2,500 be added to miscellaneous expenses to fund community outreach and education programs.

**MOTION** by Ms. Amaral to endorse the filing of Budget A as presented and filing Budget B as revised with the addition of \$2,500 under miscellaneous expenses. Second by Mr. Weinberg. The motion passed on a 3-0 vote.

5. **Bylaw Article 49.** Ms. Amaral questioned whether Town meeting Article 49 called for creation of an anti-litter effort and if enforcement policies were ever discussed by past boards. She cited the recent Wareham initiative to ban liquor “nip” bottles to help reduce roadside litter and asked if the BOH would consider a similar effort here. Mr. Armendo suggested some regulations on private curbside trash pickups should be developed.

**MOTION** by Ms. Amaral at 1:04 p.m. to adjourn the meeting. 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 convened at the Town Hall Annex at 4:00 p.m. 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**

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

### **DIRECTOR OF PUBLIC HEALTH**

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1. Written Report: No questions.
2. Update
  - Board of Health
    - Covid Update: Mr. Armendo reported 152 new cases among residents since Nov. 1, with one additional death. He is awaiting updates on the new Omnicron variant. He noted plans for a public vaccination clinic from 3:30 to 7 p.m. at the old high school; flu vaccines and initial vaccines and booster shots will be available. The Chair noted that state contact tracing ends Nov. 30 and local Boards of Health will be tasked with contact tracing from now on. She asked residents to cooperate with BOH staff if they call asking for information on active cases and contacts.
    - Pump Reports: None
    - Director Approved Plan(s): None.
  - Animal Control: The department is busy with operations Monday through Friday; there is also coverage two weekends per month.
  - Transfer Station: The Director indicated they are still operating on reduced hours due to staff shortage; initial deliveries to the SEMASS waste-to-energy facility went well, with no problems. The Chair suggested that the Town should encourage more recycling to reduce trash disposal costs; she also noted that the Scouts have been doing a good job maintaining the redemption center there.

### **MINUTES**

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1. November 01, 2021 reg. Mr. Weinberg suggested an amendment to top of page 3, discussion on interest rates, deleting "but Ms. Brayton suggested that option was no longer available." The minutes should reflect the reduced interest program is still available. **MOTION** by Mr. Weinberg to approve the minutes with that amendment. Seconded by Ms. Amaral. The motion passed on a 3-0 vote.
2. November 15, 2021 reg. After some discussion of needed edits to the draft minutes, this item was passed over.

**OTHER BUSINESS**

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1. Board Member Updates. Ms. Amaral reported that she is finishing up the newspaper health column for December. Mr. Weinberg indicated he sent a memo to the Town Administrator requesting a review of the policy for setting interest rates for the community septic loan program.

**SEPTIC PLAN REVIEWS**

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1. 86 Watuppa Road (M-19/L-20G; s.f 48,057) Jose Pacheco-Dream Homes, 3-Bedroom New Construction with Stone Bed & Singulair, Engineer-Alex Gorodetsky. Mr. Armendo recommended this item be passed over as there were some issues with the plan that need to be resolved.
2. 670 Drift Road (M-53/L-23; 10.45 Acres) Jared Marcus, 4-Bedroom New Construction with Infiltrator Quick 4 and AdvanTex-Engineer Jeremy Rosa N.E. Consultants. Mr. Armendo indicated there was a good perc rate and there were no issues with the denitrification system proposed for the large lot. **MOTION** by Ms. Amaral to approve the New Construction plans for 670 Drift Road dated 10/1/21 with conditions including Conservation Commission review; filing of the I/A system specifications letter; two years of Total Nitrogen Testing, twice per year with results reported to the Barnstable County Health Department. Seconded by Mr. Weinberg. The motion passed on a 3-0 vote.

**APPOINTMENTS**

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**4:30pm – Discussion: Wendy Henderson for 19 Beaulieu Street, Michelle Cordeiro - Title 5 Inspection Needs Further Evaluation-Nitrates Over 5.**

Ms. Henderson detailed the location of three wells less than 100 feet from the system and noted the septic system was installed four years ago. She suggested that the on-site septic system was probably not the source of the high nitrates and noted a slight reduction in nitrate levels since the water was first tested. She also noted high sodium content in all of the neighborhood wells tested.

Mr. Armendo also suggested that upgradient septic systems were likely to be contributing to the high nitrate levels. He noted the property is listed as a two-bedroom home but there is potential for additional bedrooms; he recommended the future use of the property should be limited with a two-bedroom deed restriction.

The owner indicated the property is being sold and the buyer knows it is a two-bedroom home. Mr. Weinberg suggested that a denitrification unit on the well could help resolve the problem and the owner and buyer should consider that voluntary action.

**MOTION** by Mr. Weinberg that it be determined that the septic system has not failed; that a two-bedroom deed restriction be placed on the property and that additional water testing be conducted in 2022 and submitted to the Board of Health. Seconded by Ms. Amaral. The motion passed on a 3-0 vote.

**TOPICS FOR THE NEXT REGULAR MEETING**

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None

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

Mr. Armendo reported on a recent interview of a candidate for the temporary Attendant position at the transfer station. He recommended Westport resident John Borges be hired as a seasonal employee for up to 20 weeks employment. Employment in the next fiscal year would be dependent on funding being included in the next budget. The Board of Selectmen could vote on the hire at its Dec. 6 meeting, he indicated.

**MOTION** by Ms. Amaral to recommend the hiring of John Borges as a seasonal Attendant at the Transfer Station. Seconded by Mr. Weinberg. The motion passed on a 3-0 vote.

**EXECUTIVE SESSION**

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1. Discuss strategy with respect to litigation known as Harbor Inn, LLC v. Town of Westport Board of Health, Bristol Superior Court, Docket No. 2073CV00905 and Town of Westport, by and through its Board of Health v. Andrew T. Steinke, et al., Southeast Housing Court (New Bedford Session), Docket No. 19H83CV00298NB; votes may be taken.
2. Approve and release or hold executive session minutes of Oct. 04, 2021.

The Chair declared the need for an Executive Session to discuss the above topics. **MOTION** by Ms. Ryden at 5:00 p.m. to enter Executive Session for the reasons stated and return to public session only for adjournment. Seconded by Ms. Amaral. The motion passed on a 3-0 roll call vote: Weinberg aye; Ryden aye; Amaral aye.

The Board returned to open session at 5:42 p.m.

**MOTION** by Ms. Amaral to adjourn the meeting at 5:43 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 convened at the Town Hall Annex at 4:02 p.m. 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

### **CHAIR'S ANNOUNCEMENT**

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

### **PUBLIC HEALTH NURSE PRESENTATION – LINDA PIERCE, RN**

#### **Review of Gastrointestinal Disorders:**

Public Health Nurse Linda Pierce began her presentation on Gastrointestinal Disorders by detailing the organs responsible for breaking down food into usable components and explaining how those organs work to serve the body's needs.

She noted the symptoms of various Gastrointestinal Disorders, the treatment options for those disorders and the common medications used to treat those conditions.

She also reported on a series of blood drives planned at the Town Hall Annex in cooperation with the American Red Cross to help meet the current great need for blood donations by health care facilities. The first blood drive will be Jan. 20 with others scheduled for Feb. 17, March 24 and April 21.

Full details on the events, and information on appointments with the American Red Cross, are available on the BOH website.

### **DIRECTOR OF PUBLIC HEALTH**

1. Written Report: No questions.
2. Update:
  - Board of Health:
    - **Covid Update:** Director of Public Health Matt Armendo noted an alarming increase in COVID cases in December with 192 cases reported among residents and two hospitalizations. There was one earlier reported death from COVID-related causes in December.

Mr. Armendo strongly urged unvaccinated residents to get the available vaccines and recommended those already vaccinated get booster shots as soon as possible. He is also urging residents to wear masks in public places and follow other precautions such as frequent hand washing during the current surge.

Ms. Ryden noted the BOH had previously recommended a mask mandate for public buildings and suggested that mandate should be re-issued to the general public as a

reminder of the Town's high-risk status. She felt the BOH should also reach out to the business community, encouraging them to post notices requesting the wearing of masks in their businesses. She recommended that residents seek COVID rapid result tests before attending holiday gatherings.

Ms. Amaral suggested that without a state mandate for masks in public places, there would likely be significant pushback from residents and business owners against a town-wide mask mandate. She is alarmed at the number of people in crowded public places who are not masked. Mr. Armendo noted that some Health Boards are mandating masks in public places despite the lack of a state mandate.

- **Pump Reports:** Mr. Armendo indicated one report suggested the need for further investigation.
- **Barn Book Update:** The Director reported that 151 of 154 barn book inspections have been completed.
- **Director Approved Plan(s):**
  - 1) 148-150 Old Bedford Road, 5-Bedroom Repair, Stone Bed, 11.5 Acres;
  - 2) 1170 Main Road, 3-Bedroom Repair, Flow Diffusor, 60,001s.f
  - 3) 59 Main Road, 2-Bedroom Repair, Presby, 116,650s.f.

**MOTION** by Ms. Amaral to affirm the Director's approval of the 5-Bedroom repair plan for 148-150 Old Bedford Road; the 3-Bedroom repair plan for 1170 Main Road; and the 2-Bedroom repair plan for 59 Main Road. Seconded by Mr. Weinberg. The motion passed on a 3-0 vote.

- **Animal Control:** The Director indicated that the numerous calls for service continue, and were detailed in the written report.
- **Transfer Station:**
  - Mr. Armendo reported that John Borges has been hired as a seasonal employee for the attendant position and a return to the normal schedule for the Transfer Station will be considered as soon as he is fully trained.
  - The Director indicated he would be meeting with Frade's Disposal this week to finalize plans for regular Monday and Friday disposal runs by the company.
  - Ms. Ryden suggested that the Board consider raising fees for bulky waste such as furniture or adopt fees based on size parameters, with a fee schedule review in the new year. She also recommended outreach efforts to encourage more recycling to reduce the waste tonnage. Mr. Armendo noted that plans for the replacement of the building at the Transfer Station also have to be considered in the new year.

## MINUTES

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1. November 15, 2021 Reg. **MOTION** by Mr. Weinberg to approve the minutes of the Nov. 15, 2021 meeting as submitted. Seconded by Ms. Amaral. The motion passed on a 3-0 vote.
2. November 29, 2021 Reg. **MOTION** by Ms. Amaral to approve the minutes of the Nov. 29, 2021 meeting as submitted. Seconded by Mr. Weinberg. The motion passed on a 3-0 vote.

**OTHER BUSINESS**

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1. Cynthia D. Lima - Public Health Nurse. The Director indicated that Ms. Lima is unable to accept the part-time position; the job will be re-advertised to seek new candidates.
2. December 27<sup>th</sup> Meeting. It was agreed that the meeting would be canceled due to the holiday. **MOTION** by Ms. Ryden to cancel the scheduled Dec. 27, 2021 meeting. Seconded by Ms. Amaral. The motion passed 3-0.
3. 2022 BoH Meeting Schedule. There was general agreement that the BOH would meet on Tuesdays whenever there was a Monday holiday on the bi-weekly meeting schedule. The next regular meeting will be held on Jan. 10, 2022.
4. Transfer Station Schedule. Passed over (earlier discussion)
5. Board Member Updates. The Chair reported receiving positive feedback on Ms. Amaral's latest health column in the Shorelines newspaper.

**SEPTIC PLAN REVIEWS**

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1. 125 Pine Hill Road (M-39/L-21; s.f. 160,000) Stephen Brockman & John Willoughby, 2B to 4B Upgrade with Infiltrator Quick 4 & Singulair, Engineer-Mark Rodrigues.

The Director had no issues, and recommended approval.

**MOTION** by Ms. Amaral to approve the 4-Bedroom upgrade plan dated 11/2/21 for 125 Pine Hill Road with conditions including the filing of an I/A notice for the denitrification system and two years of Total Nitrogen Testing with results reported to the Barnstable County Health Department. Seconded by Mr. Weinberg. The motion passed 3-0.

2. 455 Sanford Road (M-18/L-28&29; s.f. 13,800) Denise Martins, 3B Repair with Arc 36 and Singulair, Engineer-Greg Nicholas.

The director indicated it was a good plan for a small lot and recommended a deed restriction for the property.

**MOTION** by Ms. Amaral to approve the 3-Bedroom repair plan dated 11/11/21 for 455 Sanford Road with conditions including the filing of an I/A notice for the denitrification system, two years of Total Nitrogen Testing with results reported to the Barnstable County Health Department and execution of a three-bedroom deed restriction. Seconded by Mr. Weinberg. The motion passed 3-0.

The Chair called for a brief recess at 5:35 p.m. The meeting resumed at 6:00 p.m.

**APPOINTMENTS**

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**4:20pm – Discussion: Nelia Williams, Grant Administrator for Septic Betterment Loan Program.**

Ms. Williams explained that the old Fund 20 Septic Betterment Loan Program was in the process of being closed out with a final report to be generated soon. The new loan program will provide a limited number of one percent interest loans for denitrification systems sought by moderate-income qualified property owners with a simple initial application used to determine eligibility for the program. She

expects a number of applications to come in as soon as the program starts in January 2022 with five potential applicants currently waiting. Mr. Armendo recommended the new program officially start around Jan. 10, giving the department time to advertise the kickoff in various local media. He noted that advertising costs could be paid with the program funds reserved for administrative purposes.

**4:30pm – Discussion: Len Potter for 775 Horseneck Road, Lyn Keith, MADEP Requested the Flow Assignment for the Kitchen**

Mr. Potter and property owner Lyn Keith detailed plans to install a commercial kitchen in a cottage at 775 Horseneck Road.

The freestanding cottage has a bathroom and is served by a one-bedroom septic system; MADEP has asked the BoH to recommend a flow assignment for the proposed kitchen. Mr. Potter said he used the septic system design from the Dartmouth Grange to calculate a potential flow of 407 gallons of water per day. The proposed occasional use of the commercial kitchen here would be less, so he suggested a 220 gpd flow would be sufficient. Mr. Armendo concurred with that assessment and recommended the 220 gpd figure be sent to MADEP. Ms. Keith said she is a longtime caterer who primarily works offsite functions and she allows only two weddings per year at 775 Horseneck Road. She stated she has no plans to rent the kitchen out to other users at this time; will use it only for food preparation and will not be doing extensive dishwashing at the site.

**MOTION** by Mr. Weinberg to submit a letter to MADEP recommending a 220 gpd flow assignment for the commercial kitchen at 775 Horseneck Road. Seconded by Ms. Amaral. The motion passed on a 3-0 vote.

**4:40pm – Variance Hearing: David Davignon for 9 Velvet Avenue (M-16/L-175-177) Jeffrey & Pamela Kuckuk, 2-Bedroom Repair with Bottomless Sand Filter and Singulair, s.f. 4,800.**

As abutter notices advertised the hearing as occurring at 6 p.m., the matter was passed over until that time. The Director indicated that abutters had been notified; none were present.

Mr. Armendo noted that the plans had been conditionally approved, except for well setbacks; he had requested that the owner consider relocating the well, which is 43 feet from the proposed system. There is no proposal to relocate the well to improve the setback to the system. Mr. Weinberg indicated Title V upgrade regulations require a minimum 50-foot setback from wells, but the engineer has not explained why the well can't be relocated. He noted there is no water test data for the site well. Ms. Ryden said the repair plan reduction from three bedrooms to two bedrooms is beneficial, but felt the \$10,000-plus expense of drilling a new well was too costly for an 8-10 foot increase in the well setback. It was agreed that the Director would engage in further discussion of the well relocation plans with the engineer.

**MOTION** by Mr. Weinberg to re-instate the original approval of the local upgrade plan dated 8/27/20 with its attached conditions and two variances: a well setback of 38.7 feet from the septic tank and a setback of 43 feet from the leaching field. Conditions to include a two-bedroom deed restriction; previous variances for setbacks from the garage foundation and waiving the perc test requirement to remain in force. Seconded by Ms. Amaral. The motion passed on a 3-0 vote.

**4:50pm – Discussion: Wendy Henderson for 19 Beaulieu Street Regarding the Nitrates.** Ms. Henderson and new owner Laurie Goyette were present to discuss the lab reports showing high nitrates

in the water. Mr. Armendo noted a significant increase in nitrates over an earlier test; the latest lab report indicated 11.2 ppm for nitrates.

Ms. Ryden explained that the BOH had determined two weeks ago that the septic system had not failed; the suggested option of adding a denitrification unit to the well, less than 100 feet from the system, was also discussed. The Chair and Mr. Armendo also recommended continued water testing for nitrates.

Ms. Goyette indicated she wanted to install a whole-house denitrification unit and agreed to the need for continued well testing. Mr. Weinberg questioned how up gradient septic systems could be impacting 19 Beaulieu Street's water. Ms. Ryden noted all abutting wells are also showing nitrate levels above 10.

Ms. Amaral expressed concerns for the health of the entire neighborhood, recommending all residents in the area be warned by letter and urged to test their water. Mr. Armendo said he would check BoH records for other water tests in the neighborhood before drafting a letter to homeowners in the Pauline Street and Williams Street neighborhood. Ms. Ryden asked for a voluntary agreement from Ms. Goyette for the installation of the well denite unit.

**MOTION** by Mr. Weinberg to require three years of annual water testing at 19 Beaulieu Street, starting within six months of the voluntary well denitrification unit installation. Seconded by Ms. Amaral. The motion passed on a 3-0 vote.

**TOPICS FOR THE NEXT REGULAR MEETING**

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None

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

**MOTION** by Mr. Weinberg to adjourn the meeting at 6:40 p.m. Seconded by Ms. Amaral. The motion passed on a 3-0 vote.

Submitted by Robert Barboza, Recording Clerk