

## Revised BOARD OF HEALTH MEETING

Tuesday, June 7, 2022 – 5:00 PM

Richmond Town Hall – 1529 State Road, Richmond, MA 01254

**PRESENT:** Andy Fisher; Tony Segal, Chair; Peter Cohen; Valerie Bird, Agent; Ed Fahey, Agent; Louise Maron; Emilie Jarrett, R.N.; Laurence Cohen, M.D.; Phyllis LeBeau, Recording Sec’y.; Rick Bell; Matthew Puntin, S.K. Design

Tony called the meeting to order at 6:00 PM

**Reading and Approval of the Minutes of the May meeting:** As there were no questions regarding the minutes, Laury moved to approve the May minutes. He was seconded by Peter and the motion was adopted by unanimous consent.

**Welcome new Board Member:** Tony welcomed Dr. Laurance Cohen to the Board.

### **OLD BUSINESS:**

**Beach Testing:** Results of the testing of the water at the Richmond Pond are scheduled to be sent to each of the members of the Board and to the Board’s agents. A report of a high level of coliforms will trigger a closing of the beach.

**Septic System – Bell Property:** Mr. Bell reported that the design for the new septic system is in process and will be submitted to the health agent.

**COVID Protocols: Schools and Camps –** Camps have their own protocols which are state-mandated, and the school is doing an excellent job. Numbers are going down significantly. For the month of May, Richmond had 14 confirmed and one probable case. That does not include home-testings, which are not reported to the State. The numbers are coming way down and most of those numbers are related to the spread through family groups.

**Mask Mandate:** Peter suggested considering re-establishing the mandate that the Board rescinded. Tony replied that after the mandate ended, the number of cases went down and in any case there are only 3 or 4 retail establishments in town over which the Board has any control. He felt that, with the number of cases going down, there is no need to re-institute the mandate, which was very unpopular with the public. Andy proposed that the Board go on record as strongly recommending that people wear masks and continue to maintain social distancing in all indoor situations except in their homes. Peter moved that the above recommendation be adopted by the Board. Louise seconded the motion, which passed by unanimous vote. Phyllis was asked to include that recommendation from the Board in the next Town Hall newsletter.

**20 Swamp Road – Install a Tight Tank:** Matthew Puntin, a representative of the SK Design Group, described the project at 20 Swamp Road for which he was seeking permission from the Board. (see

attached) The Tank will be installed for an existing building in which the owner wishes to install a half-bath (toilet and sink) so that the building can be used as a recreational facility for the family. The proposal is for a 1,200-gallon tank for the 3,600 square foot building. A “tight tank” is a septic tank with no outlet. The tank fills with waste from the building until it reaches a pre-determined level, at which time an alarm will sound and it is pumped out by a pumping company. As Val saw no objections to the plan, Andy moved to approve the plan as proposed. He was seconded by Peter and the motion was adopted by unanimous vote.

#### **NEW BUSINESS:**

**Cone Hill Rd. Septic Failure Complaint:** Ed received an email from a complainant about a failed septic system at 60 Cone Hill Rd. The email contained photos of a wet area and a mowed yard. He tried to verify that there was any evidence of a failure such as visibility from the road or a distinctive smell that was impacting the complainer. He went to the complainer’s house to see or smell what was triggering the complaint. He was not able to find any such evidence at the complainer’s property, which is located down the road from the supposed failure. He then contacted the owner of the property in question, asked if he could come on to the property and look, but was declined permission. Therefore, this is a complaint that cannot be verified. If the situation were one where sewage was running out to the road, you wouldn’t need the owner’s permission to inspect.

Ed suggested that the Board send the property owner an informative letter indicating that they are aware that there might be an issue with the septic system and ask that it be checked. If there is a problem the Board might suggest that a qualified person be asked to inspect. Peter asked whether the owner having recently had the tank cleaned out and the professional company doing the work having assured him that the system remains in good condition, would that be sufficient to satisfy the Board’s concern? Ed noted that he would not recommend that the Board take any further action than the informative letter.

The complaint was made by Rick Bell who explained that when his septic system was declared to be failed, he learned that the Town keeps septic maintenance records and he asked for his own records to determine a baseline and chose five additional records which were members of the Board of Health. Mr. Bell said it was “just be chance” that five randomly chosen records all were members of the Board of Health. (A statistical impossibility). Tony clarified with Rich that Rick had deliberately chosen Board of Health members pumping records. He found one thing that he felt stood out as a red flag. Before Peter bought the house, the system was 50 years old – older than Rick’s, with a cement tank that he believed only lasts 30 years. He then decided that such an old system might be failing soon, and he walked onto Peter’s property and took some pictures of things he thought were warning flags – a small puddle of water on the ground and some lush grass areas. Tony remarked that Rick had set himself up as a vigilante because he felt persecuted by the Board. Tony reiterated that the Board never went out looking for any problems with Rick’s property. All the Board received was a series of complaints from Rick, which were valid concerns that led to the discovery of a problem with his septic system. None of the Board had deliberately singled Rick out and Tony said he failed to see what Rick expected to achieve by this action. Tony asked Rick if he was on Mr. Cohen’s property and Rick admitted that he

was trespassing there. As Peter's property does not constitute five acres or more, there is no requirement for it to be posted with "no trespassing" signs in order to protect the owner from such action. Peter then offered the following information – the photo of the small puddle of water is the location of an underground spring. The septic system is not anywhere near that site. On Monday, as a regularly scheduled three-year event, Yankee Septic Tank emptied the septic tank and reported that everything is fine with the system, it is every bit as good as it has ever been. Andy was prepared to accept that finding as the end of the issue. Rick continued to ask that Peter's septic system be inspected by Ed because he did not understand how the grass could be so lush and there be no problem. Ed noted that of the many complaints he receives, some are motivated by some things and other are motivated by others. In this case, he felt that Rick went searching for a problem, that the age of the system is not a failure-criteria, the type of pipe is not a failure-criteria. There is no justification in Ed's mind for pursuing anything further. Andy agreed that this is a waste of the time and money of the Board of Health, to engage Ed to inspect something for which there is no evidence that there is any kind of problem. Tony agreed and moved the meeting on from this issue.

**BCBOHA Dinner:** The date has been changed to July 28, 2022. Tony, Peter, Louise, Andy, Laurie, would like to attend. Val and Ed will let Claudia know and she will make the reservations.

**Community Health Report:** This will be Emilie's last meeting as the representative of the Community Health Association. She has spoken with Leslie of the Berkshire Alliance who will be taking over the Community Health services. The hand-off will be very smooth. She suggested that the Board email Laura or Leslie at the Alliance to request that they attend the Board of Health meetings in future.

Richmond has just reported two cases of Lyme disease in May, which is early. No reports of positive results for West Nile or Triple E diseases in mosquitos in the area so far.

**Alliance Agent's Report:** Val went over the written schedule of inspections (see attached) offering some further explanations.

**Unanticipated Topics:** Peter raised the question of the rotation of Chairmanship. It was determined that Tony has one more month to serve as Chair.

Seminar being offered for opioid dependence, treatment, etc. Does the Board wish to access the webinar? It was decided that this town is just too small to increase its treatment beyond the training for EMT's and supplies of Narcan.

**Next Meeting:** Tues, July 5, 2022 – 5:00 PM

There being no further business before the Board, Tony moved to adjourn at 5:45 PM. Peter seconded the motion, which was adopted by unanimous vote.