

Ware Board of Health Meeting Minutes

November 16, 2022 / Selectmen's Meeting Room

Present: John Desmond, Katrina Velle, Jennifer McMartin

In Attendance: Andrea Crete, Betty Barlow, Building Commissioner Anna Marques

John called the meeting to order at 6:00 PM and announced the meeting is being audio recorded.

John motioned to approved meeting minutes of October 19, 2022, Katrina seconded, all in favor.

Board members continued their discussion on the Quabbin Health District joining the Coalition for Safe Drinking Water from last month's meeting. We did receive the previously requested written mission statement from Madison Wellman of RCap Solutions which is **attached**. John requested Andrea provide them with a copy of Belchertown's well regulations to review so in future they could also adopt regulations. John motioned to support the Coalition for Safe Drinking Water, Katrina seconded all in favor.

APPOINTMENT – 46 Horseshoe Circle septic design. This was briefly discussed at the October 19 2022 meeting with board suggesting Andrea contact the State for recommendations for handling this issue. Robert & Jill Caferelli of Civil Engineering, designer of these septic plans were present. Also present is Niki Vaughan of Foothills Health District. Property owner Natasha Quiles was invited to this meeting but was not present. Andrea spoke with DEP about this issue and they recommended to discuss it again at a Board of Health meeting to get it on record the board does not want it to set a precedent for new construction on nitrogen sensitive lots that cannot meet full compliance with the State Sanitary Code Title 5. This lot does not comply with new construction standards and should not have been approved but the three-bedroom house has already been built. There is another very small lot in the nearby area that the owner wants to build on. Andrea expressed concern for the type of system that Caferelli proposed to install called a "Singulair" system that is a special system for nitrogen sensitive properties. This system comes with specific responsibilities that the property owner needs to be aware of. Robert & Jill stated they have never spoken with the owner, they are working with the contractor and contractor will provide the owner with this information. Mr. Caferelli assured the board that he is now more educated on these nitrogen loading limitations, is embarrassed of this error but it will not happen again. Andrea also assured the board that in this particular case she feels comfortable with it but will not allow it to happen again.

DISCUSSION/ACTION

.Andrea suggested the board update their septic installer license application to include:
If this is your first time installing a septic system in the Town of Ware and applying for a Disposal Works Installer's Construction permit, please submit 3 active Installer's Permits from other municipalities in Massachusetts with this application.

If you have no experience installing septic systems, you must work as an apprentice under an installer who holds a current Installer's permit with the Ware Board of Health. The licensed installer shall be onsite during installation and shall sign off on all permits relative to the septic system.

Said installer shall write a letter of recommendation to the Board of Health about the workmanship of your installation on that particular job. A total of 3 apprentice jobs shall be completed with positive letters of recommendation pertaining to your workmanship in order to obtain your Installer's Permit with the Ware Board of Health.

She informed the board of a recent issue she dealt with where an installer backfilled a new system without contacting the Board of Health for a final inspection. The engineer did inspect it though and took pictures which they sent to Andrea, but by law the Board of Health also needs to inspect. Andrea sent a certified mail letter to the installer to inform the installer of the regulations and the Board's right to order a system to be dug up in order for them to inspect. Jennifer motioned to update the septic installer application to include the important disclosure, Katrina seconded, all in favor.

Andrea provided the board with the existing tobacco regulations and the state sample regulations for review. The 1st page of the sample provides a checklist for policy decisions. Andrea recommends the board take the time to review these sample regulations and they could talk about it in a future meeting. She will also invite the Pioneer Valley Tobacco Coalition to the meeting which will send someone to help with any legal questions. They will also help the board create new draft regulations. Once they have created a rough draft of new regulations a public hearing would be set with copies of the draft regulations going to all Ware tobacco retailers. The public hearing and draft regulations would also be posted in local newspaper. Board members requested having the Tobacco Coalition at their January 2023 meeting.

Andrea told the board of the recent request of the Belchertown Board of Health to allow District staff to approve local upgrades for septic systems due to their lack of knowledge of title 5 regulations. Andrea was under the impression that it was a requirement for the board to give the approval but has since researched it further and found that the local approving authority is the Board of Health OR it's authorized agent(s) acting on behalf of the Board of Health. **See attached email with DEP** So if the board does not want to handle this responsibility, they could authorize Andrea and Sai. The board unanimously agree that Andrea and/or Sai could handle the straight forward LUA's however if abutter notification is required they feel it would be best for the LUA to be handled at a Board of Health meeting.

DIRECTORS REPORT

Andrea updated board on covid 19 and monkey pox. See **attached** report. Jennifer feels it is not necessary to continue with these updates. She feels the numbers are inaccurate due to so many people testing positive with home kits and not reporting it. Katrina would like to continue getting the numbers via email but also fine with not reviewing at a meeting.

The board briefly discussed the public hearing process for a site assignment. Jennifer recommends that Andrea educate herself on this process. She feels that due to the number of times the Board has already had to have these hearings for the same location she feels it will probably come up again before Andrea retires. Andrea informed board of a question she was asked by Stuart regarding whether the Board would approve ReSource Waste's consultant talk directly with the Board's consultants so ReSource would be prepared and able to provide Board with answers to all of their questions when they resubmit their application for site modification. John is opposed to this stating it is their job to submit and application, we review it and if any questions we submit to them then they review and resubmit again, we should not be part of the process. Katrina questioned who would be paying our consultant for their time. Now that the application has been withdrawn the money received for the public hearing cannot be spent.

John motioned to adjourned at 7:15 PM, Jennifer seconded all in favor. Next meeting to be December 21, 2022 at 6:00PM

Respectfully Submitted,
Betty Barlow

Meeting minutes approved 12/21/2022

From: Madison Wellman <mwellman@rcapsolutions.org>

Sent: Wednesday, November 9, 2022 12:50 PM

To: Barlow, Betty <BBarlow@townofware.com>

Subject: RE: [Ext] mission statement

Hi Betty,

Thank you for reaching out! Below is our mission statement:

The Coalition for Safe Drinking Water is a group of diverse individuals and organizations advocating for equitable access to safe drinking water for private well owners across Massachusetts.

Led by RCAP Solutions and The Health Foundation of Central Massachusetts, the goal of this grassroots effort is to effect change by moving the state legislature to enable the Massachusetts Department of Environmental Protection (MassDEP) to enact sensible, health-based protections for private wells and to offer financial resources for homeowners who discover contaminants in their well water.

We would be honored to have the Ware Board of Health join our coalition. Please let me know if there is any additional information I can provide.

Thank you,

Madison Wellman

Business Opportunity Specialist/Coalition Manager

(774)239-9783

From: Barlow, Betty <BBarlow@townofware.com>

Sent: Wednesday, November 9, 2022 10:56 AM

To: Madison Wellman <mwellman@rcapsolutions.org>

Subject: [Ext] mission statement

Good morning Madison,

I am following up on our October 19 Ware Board of Health meeting, it was a pleasure to meet with you.

At that meeting the Chairman requested a written mission statement from you explaining what the coalition is requesting from boards of health. You stated that you did not have one at the time but would forward a statement to us.

We are now preparing for our next Board of Health meeting. Are you able to provide a written mission statement to the Ware Board of Health? Could you please forward it to me so I can be sure the Board will have it for their next meeting.

Thank you for your assistance with this,

Betty

Betty Barlow

Administrative Assistant

Quabbin Health District

(413)967-9615

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Barlow, Betty

From: Crete, Andrea
Sent: Tuesday, November 15, 2022 9:03 AM
To: Barlow, Betty
Subject: FW: Local Upgrade Approvals and Local Board of Health

From: Boyer, David (DEP) <david.boyer@state.ma.us>
Sent: Tuesday, November 15, 2022 8:48 AM
To: Crete, Andrea <acrete@townofware.com>
Subject: RE: Local Upgrade Approvals and Local Board of Health

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Andrea:

I offer the following comments:

Local approving authority – “the board of health or its authorized agent or an agent of the health district constituted pursuant..... acting on behalf of the applicable board of health”

My interpretation of the definition is that the agent has all the power of the Board that is granted to the agent. It should be spelled out what powers the agent can exercise on behalf of the Board.

But it should be noted that any Local Upgrade Approval for a property line setback or a private well setback requires notification of affected abutters 10 days before the Board of Health meeting at which the upgrade approval will be on the agenda (see Section 15.405(2)). So some cases you may have unilateral authority and others need to be on the meeting agenda.

I recommend that you have everything spelled out with your Board on what you can approve and what needs to go to a meeting for the Board to discuss.

Hope that helps.

David Boyer
MassDEP – Wastewater Program
508-767-2823
David.Boyer@mass.gov

From: Crete, Andrea <acrete@townofware.com>
Sent: Monday, November 14, 2022 12:18 PM
To: Boyer, David (DEP) <david.boyer@mass.gov>
Subject: Local Upgrade Approvals and Local Board of Health

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Hi David, My Board of Health in Belchertown is asking why I bring local upgrade approvals for septic plans before the Board for a vote.

They would like to transfer the responsibility of these approvals to the Health Inspector or myself the Director so they don't have to deal with the LUA's, or septic system plans for that matter.

It has always been my understanding that a LUA REQUIRES a local Board of Health VOTE to approve or deny. Am I incorrect? And can variances to the code, and LUA's just be approved by the health dept staff?

Thanks David. Just looking for some clarification.

Andrea Crete MPH, RS

Director of Public Health

Quabbin Health District

126 Main Street, Ware MA 01082

Office Phone: 413-967-9615

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Barlow, Betty

From: Krieger, Kirsten
Sent: Wednesday, November 16, 2022 3:17 PM
To: Jennifer McMartin; John Desmond; Katrina Velle
Cc: Crete, Andrea; Barlow, Betty
Subject: COVID 19 update

Good afternoon,

The COVID-19 case counts for Ware from the last two weeks is as follows:

11/3 – 11/9

<18 yrs: 0 cases

>18 yrs: 8 cases

11/10 – 11/16

<18 yrs: 0 cases

>18 yrs: 2 cases

As of 11/9/22 (numbers updated on Thursdays):

Massachusetts statewide COVID-19 14-day Positivity Rate: 6.02%

Hampshire County COVID-19 14-day positivity rate: 4.52%

Ware, MA COVID-19 14-day positivity rate: 7.1%

Other infectious diseases:

As of 11/16/2022 there have been no lab-verified cases of influenza in Ware

There was 1 suspected case of Varicella on 11/7/22 in Ware in a person >18 yrs.

No other lab-verified infectious disease reports in Ware in last 14 days.

Kirsten L Krieger, RN, BSN

Public Health Nurse

Quabbin Health District

Office: 413-967-9648 xt 112

126 Main Street D, Ware, MA 01082

kkrieger@townofware.com

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