

DUXBURY BOARD OF HEALTH MEETING MINUTES

February 16, 2023

Remote Zoom Meeting 7pm

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TOWN CLERK
2023 AUG 18 AM 11:34
DUXBURY, MASS.

The meeting was called to order at 7:00 p.m. via Zoom with Karen Tepper, Dr David Brumley Michael Count, Bruce Bygate , Melissa Rosenblatt and Nick Leing were all present. Tracy Mayo, Health Agent, Lauren Haché, Assistant Health Agent and Kathy Carney, Town Nurse were also present.

I. BUSINESS BEFORE THE BOARD

1. COVID-19 AND COMMUNICABLE DISEASE UPDATES AND DISCUSSIONS

Tracy Mayo gave an update on the town COVID numbers on behalf of Kathy Carney, stating that since January 20, 2023 through today, Duxbury has 54 positive cases, where less than 5 years old, there are 5 cases, between 5 and 18 there were 7 cases and over 18 years of age there were 42 cases. Influenza there were 9 cases and Lime disease there were 2 cases.

Karen Tepper asked if the lime disease case numbers are typical year over year or is there really no pattern

Tracy Mayo defers to Kathy Carney, noting that previously these cases track similar year to year.

Lynne Greenwood, Tremont Street resident, asks some questions about lime disease and states that they are a lime disease survivor. I know there was mention of a vaccine for lime disease and I implore that more research be done before pushing this vaccine forward. The lime disease test is fraudulent. I would like to go on the record to state that anyone under 18 should not be getting the Covid-19 Vaccine.

2. PUBLIC HEALTH EXCELLENCE GRANT UPDATE

Lauren Haché addresses the Board, stating that the Grant Committee has hired a part time food inspector working predominantly with Wareham. We are also in the process of posting a position for a part time Public Health Nurse and part time Social Worker position. We are working through the MOU and Town Counsel and I will bring before that MOU to the Board, once we have that.

Karen Tepper asks if the MOU will cover liability with the Towns and these part time positions

Lauren Haché states yes

Melissa Rosenblatt asks if the nurse is separate from the Town Nurse

Lauren Haché states yes, we will have our Town Nurse, she is separate from the grant positions

Tracy Mayo agrees and states that we would mainly be using the Nurse for educational purposes

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Karen Tepper asks if anyone has any questions regarding the grant

Lynne Greenwood, Tremont Street, states I did see the meeting in August with Mike Hugo from MAHB, my question is if you didn't take the grant then you wouldn't have access to the \$200 million in ARPA fund. My questions is around tracking and tracing and do we have a voice and can we opt out.

Tracy Mayo states MAVEN is required by the State where the Doctor's report to the State what communicable diseases are in their town. This isn't anything new, this has been in place for years. The grant is allowing shared services so that the communities that are lacking in the help in these areas.

Lynne Greenwood states so the \$100 million dollars for tracking and tracing, do we know what this is all about; maybe they haven't executed that yet

Lauren Haché states we can find out from Mike Hugo

Lynne Greenwood states I do know that Hanson opted out and the free money free money – it's a red flag. I just do functional medicine, I don't go to a conventional doctor.

3. CONTINUED DISCUSSION WITH THE DUXBURY SAFE WATER COMMITTEE REGARDING CONCERNS TO THE TOWN'S PUBLIC WATER SUPPLY

Becky Chin presents and states that the warrant for Town meeting is being withdrawn because the town will use ARPA funds for \$485,000 for the second step of the assessment of the McNeil dump and also our Chairperson for this committee send a memo to the Selectboard last week about the EPA has funds for PFAS cleanup and problems and how to click and register Duxbury for some of those funds and this would really help the Town with funding this.

Karen Tepper states thank you, Tracy do you know what the next steps with this

Tracy Mayo states I believe It will go through the Town Manager because there will be some grant writing with this.

Becky Chin agrees and states that she will forward the email to Tracy

4. 160 MARSHALL STREET – REQUEST FOR ENFORCEMENT OF TITLE 5 AND DUXBURY BOARD OF HEALTH REGULATIONS

Attorney David Uitti, Duxbury resident and attorney for several resident on Marshall Street, introduces himself to the Board and asks to share his screen for a short presentation, stating the slides show the use and evidence on the property of 160 Marshall Street and ask for relief. The relief we are seeking is to require the property owners to upgrade their septic system to comply with Title 5 and the Board of

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Health supplemental rules and regulations and to cease and desist large events on the property and use of the loft and cottages on the property.

Karen Tepper states thank you; I want to be clear that we do not have any bearing on zoning use, but we can act on the failed title 5 report

Tracy Mayo states because there was a sale to the property or someone bought into the property, that triggered the title 5 report. The cesspools on site are an automatic fail under the Board of Health Regulations in Duxbury and so they have 2 years to fix this system or the Board can implement a ruling to repair sooner, if there is an imminent health hazard. Title 5 does not define "imminent health hazard" in this instance.

Karen Tepper asks when does the clock run out on that 2 years

Tracy states the inspection was January 3, 2023, so 2025. Now, Lauren and I have been out there for perc test two different times, so we were able to witness evidence of ground water and when the Engineer designs a new system, they will use that to design

Melissa Rosenblatt states can I hear a little more about the Title 5 report from the Inspector, Freeman Boynton. There is concern of unpermitted discharge of wastewater and no filtration or treatment and this is in a buffer zone and there are people eating shellfish harvested adjacent from the property and this is a potential health concern

Bruce Bygate states so forget about the zoning, there should be a title 5 system that handles all of the bedrooms and I feel that that should be done immediately

Freeman Boynton Jr. states that the two issues that you have here that would require a faster upgrade, they did increase flows by adding bedrooms and the trailers and there were no permits pulled for those and if they had, they would have had to upgrade based on Title 5 rules.

Dr. Brumley agrees and states the second piece to this is the timing. I share Melissa's concerns as well with the shellfish in the bay surrounding this property. I would say that before the end of spring, as soon as practical, they should upgrade.

Melissa Rosenblatt asks about the time line with capping the trailers on site

Tracy Mayo states she spoke with Conservation Agent Nancy Rufo, who states they have 30 days to cap the trailers or by March 1, 2023, where the property owners will be required to show proof

Melissa Rosenblatt asks about the permitting for all of the one day events, like catering permits and port-a-potty permits

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Lauren Haché states we have received permits for 2 weddings that pulled temporary food permits and port-a-potty permits

Attorney Uitti states it's the nature and volume of use that is the issue

Discussion amongst the Board and the Health Agent ensues amongst the enforcement they wish to take. Nick Leing states we all agree here that there are things that were not done appropriately here, but the ZBA and Con Comm would handle a lot if not all use issues. We need to focus on the imminent health hazard with the selfish and I think we should not wait 2 years to have them upgrade. Should we wait for the ZBA to determine if this will be allowed as a commercial b&b to determine what size septic they would need.

Dr. Bruley states well, the zoning could take a while and at a minimum they should upgrade based on existing bedrooms. I am not in favor of waiting

Mike Count states did the ZBA deny them

Attorney Uitti states they withdrew their ZBA application and are now petitioning Town Meeting to change the bylaws

Melissa Rosenbladt asks about the cottage on the property; I know it is grandfathered as a structure, but there is no record of that having a bedroom or bathroom

Tracy Mayo states that since it's all one property, I think they would put all of the structures on one system

Karen Tepper states so should our next step be implementing a reasonable time frame for them to submit a plan

Tracy Mayo states they have done the perc tests already, so they can work off that to design a system and then do the bedroom count. I don't think they need any variances. I would say summertime, I don't think that is unreasonable

Karen Tepper states so 30 days

Nick Leing states maybe a little longer based off of what I am seeing

Bruce Bygate states the percs were done in 2021, what was the reasoning back then

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Tracy Mayo states they were trying to get the b&b through the zba and when I wrote my letter in October to comment on the case response of the zba application, for all b&b's a title 5 report is required.

Karen Tepper states okay, to step up the timeline starting with the capping of the structures and the Zoning will be working on this, then there is us to implement and take some action. Do we all agree here with implementing something sooner than 2 years for upgrade

David Uitti requests stop the usage of the cottage and the trailers with this

Bruce Bygate states Tracy, do we have a right to do that

Tracy states I don't know; also the Board of Health didn't know what was in place there until a title 5 was performed and that happened in January.

Nick Leing states Conservation sent a letter stating 30 days, so should we stick to that same date frame.

Melissa Rosenblatt states I think we should also note the no commercial use there as well, to overlap what the other boards have stated

Karen Tepper states so no commercial use until a new septic system is in place, a plan submitted with a disposal system construction permit within 30 days and the new system installed by June 1, 2023

Dr. David Brumley Makes a motion to require that the owners of 160 Marshall Street submit a plan with a permit application for a waste water disposal system that is compliant with title 5 and Duxbury Board if Heaths rules and Regulations, and further the Board health order that the work be done by a licensed title 5 installer and that a plan be submitted to the board within 30 days and an installation date no later than June 1, 2023, further order that until the work is done and inspected by a licensed title 5 inspector that there be no commercial use of the property and that existing systems be capped

Nick Leing seconds

All in favor Dr. David Brumley, Nick Leing, Karen Tepper, Bruce Bygate, Mike Count and Melissa Rosenblatt

The motion carries unanimously (6-0)

Karen Tepper makes a motion to adjourn

Dr. David Brumley Seconds the motion

All in favor Nick Leing, Karen Tepper, David Brumley, Mike Count, Melissa Rosenblatt and Bruce Bygate

Lauren Hache

Assistant Health Agent

Karen Tepper, Chairman

Dr David Brumley, Vice Chairman

Bruce Bygate

Melissa Rosenblatt

Michael Count

Nick Leing (Alternate)