

TOWN OF SHELBURNE  
Minutes of Meeting  
Board of Health  
Monday, April 23 2019

A duly posted meeting of the Shelburne Board of Health was held on Tuesday, April 23, 2019 at 6:30 pm in the meeting room at Shelburne Town Hall, 51 Bridge St., Shelburne Falls, MA.

**Present:** Deb Coutinho, Chair

Bob Gonzalez

Rob Hicks

Andrea Crete, FRCOG CPHS Regional Health Agent

**Administrative Assistant:** Liz Kidder

**Absent:**

**Audience:** Ron Szpila

The meeting was called to order at 6:30 pm.

**Motion to approve the minutes of January 15, 2019 was made by Rob and seconded by Bob.**

**Vote: 3 in favor, 0 opposed, 0 abstentions**

**Poll of Audience:** no one present

**Special Permit Applications/Variations:** none

**Appointment:** Ron Szpila, 20 Bardwells Ferry Rd. – Andrea reported that Ron Szpila had renovated a cabin across a brook in his backyard with the purpose of creating a short-term vacation rental. He had come to Town hall and obtained a business permit from the Town Clerk and thought he had obtained all the local permits he needed. He proceeded with an extensive renovation creating a studio style rental. He has listed it on Air B&B and noted that it included a composting toilet. In response to the letter from the Board of Health notifying him that he had to apply for a permit through the FRCOG online system, he applied and Andrea inspected it. She said that it looks great but it does have a composting toilet and she described the plumbing system that includes a grey water system as not typical of this area. On Andrea's advice he has applied for a building permit for it to be habitable space. Ron Szpila advertises it as a "green" rental and provides only biodegradable soaps, etc. Their existing septic system for their house is only a 1,000 gallon tank and to connect to it would require pumping across a brook. Andrea is also recommending a water quality test. Under the regulations, there needs to be a tight tank or a full septic system for the greywater. There could be an above ground tight tank with an alarm. She described several options open to the owner and for the Board to consider. It was noted that there is a lot of ledge on-site. Andrea suggested hiring an engineer to go out on site and design a plan for him. Bob mentioned that Shawn Kimberly has dealt with similar situations.

Ron Szpila arrived and gave some history to his project. He has talked to the plumbing inspector and he was told that the style of composting toilet he installed is on the approved list for Title 5. It is designed for 6 people which is far more people than they would ever rent the studio to. He described all the efforts to be a green cabin and described his greywater system. He had a port put into his septic system so that if need be, he could take the waste from the composting toilet and put it into his septic system.

Andrea and Bob described the concerns and various options based upon Andrea's discussion with DEP. She stressed that whatever is designed needs to be Title 5 compliant. The Board urged him to hire an Engineer to work on his system. The Board said that his greywater disbursement system is not acceptable. He had a basic water test done but it was reviewed by Andrea and she noted that it didn't meet the state standards. Andrea said he should have another water

test done for basic potability and reviewed for him the process of getting a special bottle from a Hatfield facility and they would train him on how to do the test.

#### **FRCOG CPHS program –**

**Short Term Vacation Rentals** - Andrea reviewed the process she is following when there are applications for a short-term vacation rental permit. Andrea calls the applicant and conducts an inspection before she issues a permit. The question is should the BOH sign off on each application. The consensus of the Board was to have Andrea sign off on the permits and the Board will be there if there are issues as just happened with 20 Bardwells Ferry Rd. The BOH will still receive the notifications in order to help monitor where the rentals are in the Town.

Once everyone is in the online system, an annual email will be sent out automatically and this will reduce the paperwork of the Board. The Board will still have to monitor the Air B&B listings and contact those who have not applied for a permit. On July 1st, all STVRs will have to register with the State. Then hopefully the State will provide the Towns with listings and their addresses.

**Private Well Regulations** – Andrea reviewed the Private Well regulations that have been prepared by the CPHS Program and explained any changes that she had implemented since she was hired. The testing of water at time of sale was taken out due to difficulty of enforcement. She added an appendix that provided more information on water tests. She had added some helpful information on links to information. The Shelburne Board of Health could adopt these regulations following a public hearing. These regulations require water testing for new construction of wells and for short term rentals, etc. The consensus of the Board was to make a public hearing a part of the next meeting.

**Inspections** – most of the Shelburne Food Service Establishments are now applying for their permits online. Now that the summer season is approaching, Tim Smith needs to be sent a little reminder. It was noted that both Good Spirits and the Bowling Alley no longer need to get permits since they are only selling prepackaged products that don't need refrigeration. The CPHS Oversight Board will be discussing how to permit Farmers Markets and farmers who participate. Following the current permit structure creates numerous permits that would be required of each farm. Requiring a \$50 fee for each farmers market is just too expensive for many of the small farms who participate. The CPHS Board is considering a regional farmer's market permit. Andrea will need to know which vendors at the Shelburne Farmers Market are from out of our district since they would need to have a permit checked at their home base. Andrea reported that there is a new Mexican restaurant going into 10 Bridge St. that is hoping to open in Mid-May but still has to get staff, his certifications, etc. before Andrea will go back to do another inspection before he opens.

**Other regulations/issues/LUAs** - nothing presented.

**Adult Use Marijuana** – nothing happening to date – no proposals in town

**Emergency Management** – Deb reported that she has been participating in the local meetings to update the Hazardous Mitigation Plan.

**Tobacco Control Enforcement** – the Town has received a complaint about smoking at tables outside Mocha Mayas. Deb noted that she has asked the Tobacco Control program for signs to give to restaurants. Andrea said that Tobacco Control staff will be at the next oversight board meeting so Andrea and Deb can speak to her about getting the necessary signage. Liz noted that Terry Narkewicz had found signs to put on the exterior of Town Hall.

**FY'20 Budget** – the Board reviewed a March 21<sup>st</sup> memo from the Select Board that said they were recommending that the stipends and clerk's hours be reduced in the FY'20 budget to be considered at Town Meeting. This memo requested that any written appeal should be submitted to the Town Administrator by April 1<sup>st</sup>. Deb said that she had sent an email on April 1<sup>st</sup> to the Selectboard appealing their decision. but had not hear back from them. However, Deb was told by the Town Administrator that the Warrant closed on April 1<sup>st</sup> and therefore it was too late to appeal.

The Board discussed the work that is required even using the assistance of the Regional Health Agent. Deb pointed out that the FRCOG has no historical records that property owners and realtors need to access—the Town needs to maintain

those records and the FRCOG is not able to digitize them and put them into their database. The Board felt that the Selectboard do not understand how much time the Board members spend since much of their work is not done at Town hall. The Board still will need to meet and work with the FRCOG. The agreement with the FRCOG/CPHS is that there will be an active local board of health. The FRCOG is supplying a health agent, not taking over the full BOH responsibilities for the Town.

The Board expressed frustration that the Selectboard has not chosen to discuss any budget concerns with any member of the Board of Health or respond to the appeal. Further, the Board of Health was frustrated with the late notification, not giving the Board time to meet before the warrant closed. The consensus of the Board was to finish out this fiscal year and then they would all move on to other activities. They noted that none of them did this job for the money but if the Selectboard had approached them to discuss the budget before it was "too late", they would have considered continuing.

Deb noted how many hours every week she spends at meetings at the FRCOG representing the Town of Shelburne. She spent 6.5 hours on Monday and she has two more meetings this week at the FRCOG. It was noted that the Select Board had also cut the hours of the Board of Health clerk from 120 to 80 hours. Even though some of that position's tasks have changed now that the Town is part of the CPHS program, it has created new tasks for her and that 80 hours a year is not sufficient. The Board will continue this discussion at their next meeting in May.

**Permit requests** – none

**DPH reports** – none

**DEP reports** – none

**Invoice** – none

**Review of phone messages, mail and emails** – Deb reported that she is still getting phone calls at home; many she refers to Andrea or she helps property owners and realtors research old property records.

**Other Business not reasonably foreseen 48 hours prior to the meeting** - nothing presented.

**Schedule next meeting:** Tuesday, March 19, 2019 at 6:30 pm will be both a meeting and a public hearing on private well regulations.

**A motion to adjourn the meeting was made by Bob and seconded by Rob.**

Vote: 2 in favor, 0 opposed, 0 abstentions

**The meeting was adjourned at 8:54 pm**

**Respectfully submitted by:**

Liz Kidder

Administrative Assistant

**List of Documents:**

Fiscal Year 2020 Budget Requests

CPHA Private Well regulations