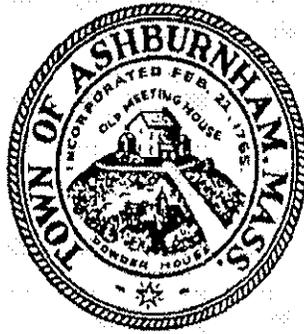


Board of Selectmen
Extension 109
Town Administrator
Extension 109
Town Accountant
Extension 120
Town Clerk
Extension 114
Tax Collector
Extension 113
Treasurer
Extension 112 or 110
Board of Assessors
Extension 111
Land Use Office
Extension 117
Planning Board
Extension 121
Conservation Commission
Extension 115



Animal Control
Board of Health
Building Commissioner
Conservation Commission
Council on Aging
Cultural Council
Electrical Inspector
Gas & Plumbing Inspector
Historical Commission
Municipal Planning
Parks & Recreation
Planning Board
Zoning Board of Appeals

PHONE: (978)-827-4100
FAX: (978) 827-4105

TOWN OF ASHBURNHAM
Town Hall, 32 Main Street
Ashburnham, Massachusetts 01430

Board of Health Meeting Minutes
January 6, 2014

Present: Glenn Hathaway, Scott Sibley, John McLaughlin, Rick Metcalf NABOH, Patrick Durkee (Acting Secretary), Tom Flanagan, and Deborah Philips (Town Counsel)

Agenda approved for the Jan. 6, 2014 BOH Meeting

December 2, 2013 Minutes approved

Septic Permits:

- 74 Lakeshore Drive---renewal/transfer
- 109 Stowell Road---D box replacement
- 17 Christmas Tree Drive---Septic Tank Replacement

All three septic permits were approved unanimously and signed

6:35 PM

-49 Stodge Meadow Road (see attached green cards)

Present: Don Leger 134 Stodge Meadow Road, Chairman of roads of Stodge Meadow
Eric Niehans, Board of Directors of Stodge Meadow and Chris MacKenzie of Whitman & Bingham.

Don Leger expressed concern of water runoff into road, whether road will be dug up during construction. Chris explained to Don there should be no issues during construction.

Eric said there are steel girders on one side of road so the road cannot be narrowed any less than 14'.

Don and Eric's main concerns are keeping the road solid. Chris felt strongly there should be no problems. (See attached letter of variances.)

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JAN 14 2014
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16

Voted on and approved unanimously

16 FEB -6 PM 12:16

7:00 PM Complaint: Bills Sewer Service—Wayne and Terri Adams:

Deborah Phillips begins discussion by stating that this BOH deals with Town of Ashburnham BOH issues and does not deal with issues outside of our purview. Deborah Phillips stated that the Adams' can make complaints on issues that would happen on their own property. The Adams' can bring up issues they are concerned with, but this BOH is not required to act on a majority of issues in letter she reviewed from the Adams' because they are outside of the purview of the BOH. A lengthy discussion took place that concentrated on five main points:

1. **Truck inspections** - Rick Metcalf informs the Board that the current policy for truck inspection is that the truck is inspected when a permit is first applied for by a hauler. Additional inspections are completed as a result of complaints or observations, but they are not re-inspected at permit renewal. He says that Nashoba could not locate any record of truck inspection, but Bills has been permitted since 1986 and Ira Grossman from Nashoba informed him that permits are not issued unless the truck has first been inspected. The Adams' believe that as part of the inspection the Board should be checking to make sure truck has various insurances, DOT registration, etc. Deborah Phillips states that the BOH inspection requirement per Title 5 is to make sure the pumps and hoses are in good condition and the tank has no leaks. The Board discusses the frequency that trucks are inspected and decides they should approach Nashoba to ask that they revise their policy to inspect trucks more frequently. The Board also decides that when Bills applies for a 2014 license, the truck should be inspected before issuance because it has been such a long time; also because the business has changed.
2. **Hauler/Installer Insurances** - Wayne Adams' says what he is challenging is Bills Sewer Liability Insurance. Wayne says Bills Sewers is sneaky and he sneaks septic into people's homes. Wayne is concerned if there is an accident and sewage spills the Town will be responsible for cost of cleanup, etc. After lengthy discussion the Board decides that they will place a link on their website with information on how to choose a contractor. This will inform residents of what proof of insurance they should be asking for from their contractor, etc.
3. **Legitimacy of Bills Sewer Service, Inc.** - Terri Adams said if Bills Sewer Service, Inc. was not actually in business then he should not be able to get a license/permit to do septic business. Deborah goes over the laws concerning dissolution of a corporation and informs the Board that they should not issue a permit to Bills Sewer Service, Inc. unless the corporation is reinvigorated or he applies under a different name. Board agrees that they should not issue a license

to a company who is not a business. Board tells Rick to inform Nashoba that when the 2014 application comes in to make sure that Bills is not applying using the "Inc.", unless the corporation has been reinvigorated.

4. **Disposal Facility Agreement** - Deborah says if Templeton is allowing Kevin to dump there, and there are receipts showing that, then he would be disposing legally. There is not necessarily a contract (per se) but a receipt would show that he has an agreement with them. Adams' disagree and believe that a receipt does not fulfill this requirement. Rick Metcalf informs Board that he spoke to Templeton Treatment Plant after last meeting and they informed him that Kevin had permission to dump there. They also forwarded him a copy of the agreement. Board reviews agreement and notes that the agreement lists Bills Sewer Service, Inc. Because the business no longer exists a new agreement should be submitted. Board tells Rick to inform Nashoba that when the 2014 application comes in to make sure that Bills should produce an agreement with Templeton that does not have the "Inc.", unless the corporation has been reinvigorated.
5. **Tax Law Compliance** - Deborah says that after researching the MGL it was found that it was previously determined to be an unfunded mandate. After her discussion with DOR they suggested best practice would be to include the certification on the applications for installers/haulers. Rick informs Board that as a result of the Adams' complaint Nashoba has already revised their 2014 applications to include this and he shows the Board a sample application.

Terri stated that records show that over a 5 year period Bills Sewer hauled thousands of gallons without a proper permit (185,000 gals). Deborah informs Board that Bills is not currently licensed for 2014, so no cease and desist action can be taken now, but there does appear to be a pattern. She suggests that the Board may send a letter to the hauler if this occurs in 2014.

8:15 PM **Correspondence Reviewed:**

Invoice for NABOH voted on and approved unanimously by all to pay the 3rd quarter invoice for FY 2014

Please send an email with a link for us to take the Ethics Test:

- Tom Flanagan
- John
- Patrick Durkee
- Glen Hathaway

Meeting adjourned at 8:23 PM
Respectfully submitted,

Patrick Durkee

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