

TEWKSBURY BOARD OF HEALTH

Minutes

March 03, 2005

Clerk Philip French called the meeting to order at 7:00 P.M at the Police Station. Present at the meeting were Thomas Churchill, Christine Kinnon, Director of the Board of Health Thomas Carbone and Recording Secretary Dawn Cathcart. Chairman Stephanie Wilkie and Vice Chairman Edward Sheehan were absent.

Public Hearings

Shell Food Mart II, 1220 Main Street – Show Cause to Suspend the Food Service Permit for Lack of Operating Wastewater Disposal Facility

Dunkin Donuts, 1220 Main Street – Show Cause to Suspend the Food Service Permit for Lack of Operating Wastewater Disposal Facility

Harampos Sideropoulos, Trustee for Kristina Realty Trust, 1220 Main Street – Show Cause to Close the Building for Lack of Operating Wastewater Disposal Facility

Attorney Richard O’Neill and Harampos Sideropoulos appeared for the public hearing for Shell Food Mart II and Christina realty Trust. Representatives of Dunkin Donuts were also present.

Mr. Carbone stated that back in June 2004 he was called by the Tewksbury Police for an overflowing septic system at 1120 Main Street. They did some checking and realized it was failed. He has been working with Mr. Sideropoulos to either replace the septic system or install a sewer by pumping it up to the library sewer main. The owner did a cost analysis for both options. In order to connect, the Town of Tewksbury requires a license agreement. This was supposed to be done in January and it was not. The office sent an order on January 6, 2005 that it must be submitted by January 31, 2005. This was not done. Mr. Carbone stated that he called Mr. Sideropoulos and was told it would be done the next week and it was not done so the hearing was scheduled. All three hearings should be held concurrently. Mr. Carbone stated that since the orders were issued, the septic system has been pumped regularly. The board needs to set a timeframe.

Mr. French asked if everything has been submitted. Mr. Carbone replied yes, but the application was lacking information. The Town Engineer is working with Mr. Sideropoulos on getting the information. The original order said they had fourteen days to file paperwork and if it wasn’t complete, they had fourteen days to supply the missing information.

Mr. Sideropoulos stated that this has been going on since August 2004. He has plans dated November 4, 2004 but couldn’t do anything over the winter. Attorney O’Neill stated that Mr. Sideropoulos has been trying to connect to sewer if possible but there were several serious illnesses in the family over the winter. The sewer design has been approved by CDM and the sewer agreement has been filed with some information missing. The timeframe is dependent on obtaining easements on a parcel of land near the library. It is unknown who the owner is and they are working the title issue. It’s either the State or Town that owns the property. If the Town owns it there wouldn’t be a problem but if the State owns it, the land would have to be declared as surplus. The other option is waiting to connect to town sewer which is the next phase. This property would be in Contract 28 which has the bid opening in September. Mr. Carbone stated that there is a potential for that contract not to be finished for two years. (Note: While this is what was presented as information at the meeting, the actual timeframe for this Contract is that bids will be accepted in January of 2006, with construction running from April of 2006 through December of 2007.)

Mr. French asked how long the ownership issue would take. Attorney O’Neill replied about one month. Mr. French asked how long the use of the septic system could continue. Mr. Carbone stated that it is not an imminent health issue as long as it gets pumped. Mr. French asked how much often the system is pumped. Mr. Sideropoulos replied once a week whether it needs it or not.

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Ms. Kinnon asked what happens if neither sewer option is available. Attorney O'Neill stated that if the Commonwealth of Massachusetts owns the land, they can get it approved through an informal legislation session.

Mr. Carbone suggested continuing this a month with a status update.

MOTION - Mr. French made a motion to continue this public hearing to April 7, 2005 at 7:00 PM with the condition that a status report is provided and the current system is pumped at least once a week with pumping records provided to the office. The motion was made by Mr. Churchill and unanimously voted 3-0.

Marilyn Huse for 600 Kendall Road – Appeal of Demolition Order

Marilyn Huse and Virginia Desmond, Public Health Nurse, joined the public hearing. Ms. Huse stated that they filled another dumpster. The boxes in the cellar are wet but they are almost done clearing the cellar. She is in the process of packing stuff upstairs.

Mr. French asked if Ms. Huse has heard from the insurance company. Ms. Huse replied no.

Ms. Kinnon asked if Ms. Huse has contacted a plumber. Ms. Huse replied no she is not ready for a plumber yet. Ms. Kinnon stated that was part of the requirement for this hearing.

Mr. French asked how much more time is needed before the plumber can get in there. Ms. Huse replied a few weeks. Ms. Desmond stated that Ms. Huse feels comfortable with her contractor. This task is overwhelming due to her depression but she is making an attempt. Mr. French asked if this was affecting the neighborhood. Ms. Desmond stated that there are no neighbors complaining. Mr. Carbone stated that this is not an imminent health issue yet. Mr. French stated that a plumber needs to get in there soon.

Mr. Churchill asked how much more time is needed to get the insurance company into the house. Ms. Desmond stated that is the issue. Mr. Churchill asked where in the house the pipe burst. Ms. Huse replied in the second floor bedroom.

Ms. Kinnon asked if Ms. Huse talked with the private insurance adjuster. Ms. Huse stated that she talked with him and he is hopefully coming out next week.

Ms. Desmond stated that she has a list of phone numbers who help out seniors when possible. She will give this list to Ms. Huse.

MOTION - Mr. Churchill made a motion that the hearing be continued until March 17, 2005, with the following directions to Ms. Huse:

1. The 2nd floor bedroom where the leak occurred needs to be cleaned out.
2. The private insurance adjuster should be contacted.

The motion was seconded by Mr. French and unanimously voted 3-0.

Approval of Minutes

Ms. Kinnon stated that there is a line in the fee schedule change agenda item that says the lawyer or real estate should be responsible that the waiver gets recorded, that is not what she meant and would like it removed. The homeowner is ultimately responsible.

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MOTION - Mr. Churchill made a motion to approve the Board of Health minutes of February 17, 2005 with the following correction:

1. Under Fee Schedule Changes – School of Massage & Title V Waivers – strike “Ms. Kinnon stated that the lawyer, real estate broker or bank should be held responsible if the waiver is not recorded.”

The motion was seconded by Ms. Kinnon and unanimously voted 3-0.

Directors Report

Mr. Carbone stated that he hopes to have Town Counsel come in for the first meeting in April to help the board to understand how public hearings are run, and conflict of interest issues.

Mr. Carbone stated that the Finance Committee Hearing for the Board of Health budget will be March 16, 2005 at 8:15 PM here at the police station.

MOTION - Mr. French made a motion to adjourn at 7:55 PM. The motion was seconded by Mr. Churchill and unanimously voted 3-0.

Approved: _____

Philip French, Clerk