



Town of Sandisfield

Board of Health

66 Sandisfield Rd, Suite 5

Sandisfield, MA 01255

Sandisfield Board of Health

Meeting Minutes

Wednesday, July 12, 2023 @ 5:30 pm

Old Town Hall, 3 Silverbrook Rd, Sandisfield, MA

BOH Members Present: Keith Larson, Chair; Brigitte Ruthman, Vice Chair; Steve Rubenstein, Clerk
Other People Present: Jayne Smith, BOH Agent; Edit McNulty (Owner 7 West Rd); Chris Tryon (Berkshire GeoTech), Ronald

Meeting called to order at 5:30pm.

1. **Approval of 06/14/23 BOH Meeting Minutes:** Passed over because minutes were not able to be completed. Jayne will try to get APHC to agree to do meeting minutes.
2. **7 West Rd DSCP Suspension (Action Item):** Jayne explained that a plan was submitted using old perc tests that did not meet the requirements for new construction, namely that there was not enough deep holes and they were not located under the area that a new system was being proposed. The DSCP was issued with the condition that deep holes be conducted to confirm site conditions prior to the start of construction of the leach field. When Jayne met with the contractor at the site, the soils did not match what was recorded on the plan, including higher groundwater, and it was observed a shed had been built in the reserve area where the percs were performed. In response, Jayne revoked the DSCP and asked that additional information on the soils be collected before the design moved forward.

Chris Tryon from Berkshire GeoTech was present and he proposed to let the site dry out and log some additional deep holes. Jayne commented that there are some options, including having a condition of the permit be that the shed would need to be torn down if a reserve area was needed. It was discussed that a composting toilet with a greywater system could be an option to keep the profile of the system down. Jayne explained that while Edit M. had asked about a tight tank, tight tanks are not allowed for new construction and are not an option.

Jayne's recommendation was that additional deep holes and a perc test be done for the property and that the Town waive additional inspection fees.

Steve Rubenstein made a motion to take Jayne's recommendation. Brigitte seconded the motion. Motion carried 3-0.

3. **12 W. Hubbard Rd Inspection Results and Confirmation of Order to Correct (BOH Action Item)**
Jayne presented the notices of inspection sent to the owner of 12 W Hubbard Rd, Jennifer Pilbin, by first class mail, certified mail/return receipt and hand delivered by public safety officer. We met out at the site on July 6, 2023 a little after 9am. Present were Jennifer Pilbin (owner), Jayne Smith (Agent), Chief Morrison (Police) and Ivy Goodwin (TTHD Co-Responder). We were only able to do an exterior inspection due to 3 dogs in the trailer. Steve R. wondered if the dogs were registered and Jayne S. said she didn't know. Jayne continued to describe rubbish and trash, bagged and unbagged, on the property; a

burn barrel, propane tanks along the trailer for cooking and heating, a running generator and a chicken coop and run with about 40 animals (chickens and ducks) with soggy bedding and associated strong odors. The inspector was denied access to the inside of the trailer due to three dogs, one of which is very protective, in the trailer.

An Order to Correct was issued on July 6, 2023 for violations observed outdoors and a reinspection has been scheduled for August 6, 2023 to inspect the inside of the trailer. The conditions deemed to endanger suspected on the property were read aloud from the correction order to the Board of Health. Jayne reported that there has been some pushback from the Owner about going in the trailer because the Owner maintained that she and her mother were not living there. Jayne explained that it is important to get inside the trailer to determine the fitness for human habitation and also ensure that the animals are living in suitable conditions inside the trailer.

Steve R. expressed concern about whether the dogs were licensed and also that the trailer is not allowed to be on the property to be used by housing. Jayne explained to the BOH that the Board of Health can only focus on the housing code and there is a process that we are following to be followed. She does not know what the town's next steps are but is just focusing on our own process. What Jayne is asking for the BOH is to ratify the Order to Correct. Once it is ratified, when Jayne goes back out for the inspection she will look to see that the conditions have been met, including having access to the trailer. If Jayne is denied access to the trailer, then she would work with KP Law to get an administrative search warrant.

A motion was made by Brigitte Ruthman that the Board of Health supports the Order to Correct, believes that there is occupancy at this location and is concerned that the camper is unfit for human habitation. Steve R. seconded the motion. Motion passed 3-0.

Jayne reminded the Board of Health to not talk about this Order with each other outside of the meeting.

4. Southern Berkshire Public Health Collaborative

Proposed Contract for Agent/Sanitarian Services with Southern Berkshire Public Health Collaborative starting in FY24. (Action Item). Included in the BOH packet there is a Draft Contract between the Town of Sandisfield and the SBPHC to provide agent (lump sum payment) and inspector services (90% of the revolving fund payment) as of July 1, 2023. Having the inspector services be a revolving payment allows both the Town and SBPHC to have flexibility for inspector services to ensure the services match the demand.

There was concern that the Town was going to see a backslide of services on existing housing cases now that the Town has made the transition to SBPHC. Jayne explained that she will still be involved and there should be no loss of momentum on existing housing cases.

Jayne asked if the BOH had any comments for the draft contract between Sandisfield and SBPHC. Jayne asked that if there was feedback that the BOH do not discuss outside of the meeting but that they could share feedback with the Town Manager who will be negotiating with Jim Wilusz on the contract. What the next year will look like is that once the new Shared Health Agent is hired, there will be a transition where the Shared Agent will start to take a lead in Sandisfield.

Jayne highlighted that the contract requires the Town be responsible for the minutes under "administrative" portion. There is a line item that can pay someone to do minutes. Brigitte emphasized that getting the minutes done is very important. There is the chance that a student could do the minutes but it will remain inconsistent and they would not have a good idea of what the BOH is talking about. It was the feeling that we should start looking for someone to do the minutes. Ideas included asking the seniors to see if anyone is interested and asking Jonathan what his thoughts are and what we could pay someone to do the meeting. Steve R. suggested posting the job at the transfer station. There is a \$1563 line item in the budget to pay for minutes. This person may not have to attend meetings.

The Board of Health agreed they support the Town Manager Jonathan Sylbert in negotiating the contract with SBPHC/Tri-Town Health Department and to post for a clerk position to do minutes. N

5. Certificate of appreciation for the late Victor Hrycvich and Kim Spring for their years of service to the Sandisfield BOH

The Selectboard had signed a certificate of appreciation for for Victor Hrycvich's 25 years of service to Kim Spring for her 10 years of service to the Sandisfield BOH. It was discussed to get a frame the certificates and see if the Sandisfield Times would like to do a story. The BOH signed a letter for Kim Spring as well and will look at putting something together for Victor.

6. Agent Report

Jayne mentioned 195 N Beech Plain Rd DSCP requests a 2-bedroom system, where normally a 3-bedroom system minimum is required. It did not make the agenda but Jayne wanted the BOH to know that she intends to sign off on a deed restriction to be filed for a 2-bedroom system. The BOH had no issue with letting Jayne issue the DSCP with the deed restriction.

7. BOH Member Updates

Brigitte Ruthman mentioned that 12 Dodd Rd has escalated and asked that it be a priority for the BOH to address. Concerns revolve around the poor condition of the house and it is believe that several people live there, including children, who would be vulnerable to fire hazards and conditions deemed to endanger. Jayne explained that the process is the same as others, namely, that an inspection is scheduled, inspection is done.

Steve R. asked where other issues in town stand. Jayne responded that Sandisfield does not have the capacity to address non-priority issues.

8. Citizens Speak

Ronald Pachulski mentioned that there are other properties in town that are not getting addressed. Jayne reiterated that Sandisfield has a lot of zoning violations, including the 12 W Hubbard Rd and 12 Dodd Rd, and that the Town needs to get a systematic approach to address them. There is currently not enough capacity by the BOH to address every property at this time. The SBPHC Contract with Sandisfield provides coverage of priority housing issues, such as landlord/tenant issues or vulnerable populations, and will address other nuisance properties as capacity allows.

Ronald Pachulski asked questions on what the process will be for 12 W Hubbard Rd but that he

9. Topics Not Anticipated by the Board

10. Next Meeting: August 9 @ 5:30pm (Second Weds of every month@ 5:30pm)

Meeting adjourned at 6:55pm

Brigitte Ruthman Sept 13, 23
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