



## BOARD OF HEALTH MEETING

November 25, 2014 – 6:30 PM  
Rockport Town Hall Annex

**Present:** Board members Dr. Russell Sandfield, Dick Meringer, Health Agent Leslie Whelan, Secretary/Clerk Marianne Peters and Assistant Town Manager Mitch Vieira. Also present Ed Tuck (Property Owner, 18 Squam Road), Nina Harrington & Patrick Daskin (Occupants 18 Squam Road), Resident Ted Tarr.

**6:30 PM:** Meeting called to order.

**Minutes to the October 25 Meeting:** Mr. Meringer moved to accept; Dr. Sandfield seconded and it was voted unanimously.

**Community Concerns:** Mr. Meringer stated that someone had a concern about 16 Curtis Street having a tree-house overhanging in a public way. Health Agent stated that she will notify Inspectional Services.

### **18 Squam Road:**

Occupants Nina Harrington and Patrick Daskin had previously contacted the BOH with concerns about property; there are 3 rental areas and 2 housemates. The occupants have occupied a room (not a full apartment) since July 2014 on a verbal agreement, no contract, no lease, etc. Health Agent inspected the area in October and found several violations including water leaks, structural integrity issues, issues with insulation, and mold. The owner, Ed Tuck stated he believes the unit should be deemed uninhabitable, and that he intends to convert the space back to a storage area and not a bedroom.

With respect to the mold problem, Dr. Sandfield inquired as to the Town's possible condemnation of the space. The Health Agent stated that repairs could be made to fix the violations. She presented an email from Paul Halfmann, Assistant Director at the Massachusetts Department of Public Health, wherein he stated that the owner must be held responsible, and he advised that the BOH has no authority to arbitrate between the owner and occupant in regards to their agreement about work in lieu of rent. After lengthy discussion between the occupants and owner regarding the unhealthy living conditions and multiple violations, and in the interest of all parties, it was agreed that the occupants would vacate the property within 30 days. Board members instructed Mr. Tuck that the space is to now be considered uninhabitable/non-livable in the current condition and therefore, may not be occupied by anyone in the future. Board members asked if the 30 days to vacate was doable; tenants agreed. Mr. Meringer made a motion to have rooming unit vacated in 30 days and that the space would be considered uninhabitable for future use. Dr. Sandfield seconded and it was voted unanimously.

### **Saratoga Creek & Sawmill Brook:**

Discussion about the water and the samples taken at the sites by the Division of Marine Fisheries; the counts were too high to swim in. The condition of the water was discussed as possibly being caused by a septic issue; perhaps a leaking tight tank. Health Agent stated that in the immediate future, letters to tight tank owners in town will be sent a letter with instructions on having their tight tanks inspected, maintained regularly, and that the BOH not only wants to see the pump reports (pumpers are required to provide all pump-outs of septic tanks, tight tanks, etc. within 2 weeks of performing the work), but that the BOH requires a signed copy of the maintenance contract between the homeowner and a licensed

pumper in Rockport. Mr. Meringer inquired as to who would be responsible for payment; Health Agent responded that it's the homeowner's responsibility financially to maintain their own system(s).

Discussion about the origin of Saw Mill Brook; it was stated that it goes from the Rockport Golf Course and through to Frank Street.

Updates on the matter will be given as things progress with the property owners and as testing is performed.

### **Budget:**

Discussion about budget as it relates to requesting more hours for Administrative Assistant (currently working 16 hours for BOH weekly). Health Agent requested that possible redistribution of funds that are currently in the "Purchase of Service" Budget.

### **Installers, Pumpers, and Septage Haulers:**

Health Agent discussed various issues with some of the septic pumpers and haulers including not reporting pumpouts or maintenance in a timely fashion or at all in some instances. As well, some installers are bypassing some of the rules. Health Agent has begun to address the various issues with these people.

### **Board of Health Member Replacement:**

Discussion about the search for a replacement for retiring member Dick Meringer (this is his last meeting). Dr. Sandfield mentioned that he may have 1 or 2 interested parties and that he may invite them to a meeting or two.

Next Meeting Date: January 27, 2015

**7:30 PM** Meeting Adjourned.