

TOWN OF LANCASTER – BOARD OF HEALTH
Meeting Minutes
Monday, 9 January 2023

DRAFT

Special Meeting

Sole Topic: 103 Cleverly Cove Road

Chairman Paster called the meeting to order at 9:33AM.

BOH Meeting recorded and available through internet at Sterling/ Lancaster
Community Television (24/7) or Local Cable-3 at posted times.

Members in attendance: Jeff Paster, Denise Hurley and John Farnsworth

- Also Attending: Nashoba Agent William Brookings
 - Kelly Dolan, Director, Lancaster Health and Human Services
 - Parker & Megan Helwig, 103 Cleverly Cove Road
 - Matt Johnson, Esq., Helwig Counsel (*Attorney representing the Helwigs*)
- Appearing: Parker & Megan Helwig, Home Owners,
- Matt Johnson, Esq, Attorney for the Helwigs
- Nota-Bene: *Attorney Peter Knox for Brian Michalczyk nor Brian Michalczyk, Nashoba Licensed T-5 Installer, present at the 17 November Meeting, did **not** attended the 22-December meeting or this 9-January, 2023 meeting.*

Nota-Bene: at the 17-Nov BOH meeting, *with all parties*, resolved that if an Invoice from the Installer issued, the Helwigs would pay the Invoice and the Installer ASBUILT would issue.

Nota-Bene: Per Title-5, 310 CMR 15.00, Section 15.021: Subsection-4

(4) Within 30 days of the final inspection of the system and prior to the issuance of a Certificate of Compliance, the Disposal System Installer and the Designer shall certify in writing on a form approved by the Department that the system has been constructed in

40 compliance with 310 CMR 15.000, the approved design plans and all local requirements,
41 and that any changes to the design plans have been reflected on as-built plans which have
42 been submitted to the Approving Authority by the Designer prior to the issuance of a
43 Certificate of Compliance.

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45 Chairman Paster presented that:

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47 The BOH had sent a letter to Installer Michalczyk on or about 23-December-
48 2022 with a 5-day deadline response, 5-January-2023. A follow up email
49 notifying recipients, including Mr. Michalczyk, was sent on January 4, 2023
50 regarding the January 9, 2023 Special BOH meeting. At the time of
51 meeting, this day, no response or Green Card Return Receipt had been
52 acknowledged or received.

53
54 This presented the BOH with four possible avenues:

- 55
56 1. Allow BOH sign-off for temporary occupancy if allowed by the
57 Building Inspector until matters are resolved.
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59 2. Sign-off for occupancy without the Installer's Asbuilt Plan as a Title-5
60 Variance.
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62 3. Take no action.
63
64 4. Take action against the Installer in lieu of receiving the Installer's
65 Asbuilt within 30-days of final inspection.
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67 Asked: Nashoba Agent William Brookings reported that a Designer's
68 Asbuilt had been received from Hannagan Engineering. All Agent
69 Brookings's inspections had been completed and he opined the 103 Cleverly
70 Cove Road disposal-works is Code compliant.

71
72 After brief discussion

73
74 **Motion by Member John Farnsworth:** To allow Temporary Occupancy
75 if allowed by the Building Inspector until the matter is resolved.

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77 **Motion seconded by :** Member Denise Hurley

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79 Chairman Paster called for a Board Vote:

Motion passed: 3-0 unanimously passed

Temporary Occupancy was approved with the understanding that a renewal every 30-days would be required until a full occupancy was put in place .

Attorney Johnson and the Helwig's departed the meeting at approximately 9:52am

Discussion ensued between the Board Members and Agent Brookings as to a course of action with the Installer resulting in a Motion from Member Farnsworth:

Motion: the Board will contact the Installer and indicate that without the production of the Installer's Asbuilt, his License to install in Lancaster will be suspended.

Motion seconded by : Member Denise Hurley

Chairman Paster called for a Board Vote:

Motion passed: 3-0 unanimously passed

Chairman Paster would draft a letter to the Installer for review by Agent Brookings and the Board Members. A letter to be sent Registered Mail with return Receipt.

Next meeting date

- Thursday, 9:30AM, 26 January 2023 2023-01-26

Adjourn **10:07 AM** **VOTED** .. Unanimously

FINIS