

Charlemont Board of Health Minutes

December 10, 2024

Zoom

Present: Doug Telling, Rob Lingle

Guests: Randy Crochier, Kurt Schellenberg, Marcus Campbell, Donna Ardine, Kristie Faufaw, Jonathan Mirin, Pam Wallace, Kent Chamberlin, Godeliève Richard, Rachel Stoler, Star Atkeson - secretary

Telling called to meeting to order at 3:51 pm

Lingle motioned to open the hearing. Telling seconded the motion. All in favor. Lingle yes, Telling yes

3:45 pm Hearing - 32 Heath Stage Terrace. Possible Condemnation vote to be taken

Randy Crochier read his testimony:

- On November 15, 2021, this property failed a Title 5 Inspection.
- 310 CMR 15 (Title 5), in section 301 states (1) If a system is failing to protect public health, safety, welfare or the environment as set forth in 310 CMR 15.3030(1) or 15.304(1), the owner or operator shall upgrade the system within two years of discovery unless:
- On May 18, 2022, a Soil Evaluation / Percolation Test was completed on this property.
- On June 21, 2022, Design Engineer Shawn Kimberley submitted two applications in the name of Jason Campbell for this property.
- The first application was a Disposal Works Construction Permit application. The second application submitted by Mr. Kimberley was for a Local Upgrade Approval to allow for a reduction separation to groundwater from 4 feet of separation to 3 feet of separation. Attempts by this office to obtain the needed Owner Confirmation for both permits, as well as payment for the Disposal Works Construction Permit were successful in April of 2024 twenty-two (22) months after the electronic permit was submitted.
- The two-year timeframe for the needed upgrade expired on November 14, 2023. The property is in violation of 310 CMR 15 (Title 5) and in violation of 105 CMR 410 (The State Housing Code).
- On January 25, 2023, a Notice of Non-compliance (DEP Form 7) was issued to you requiring action with thirty (30) days. To date, we have had no actions taken.
- On February 27, 2023, A Notice of Violation (DEP Form 8) was issued to you requiring action on or before March 7, 2023. To date, we have had no actions taken.
- On December 27, 2023, a notice was sent to Mr. Campbell to notify him of a condemnation hearing to be held by the Charlemont Board of Health on January 16, 2024, at 10:15am.
- At that hearing on January 16, 2024, the Board voted a \$ 200 per day fine which as of today is 328 days and would have a total of \$ 65,600 due.
- Mr. Campbell was notified of the results of the hearing in writing via the U.S.Mail
- On January 31, 2024, the Property transferred to Donna Jean Ardine.

- In late March and early April of 2024, I had contact with Mr. Campbell via telephone and email. On April 5, 2024, Mr. Campbell was informed via email, with the Charlemont BOH cc'd, that the BOH was meeting on April 24, 2024, and Mr. Campbell was provided with a couple of options for how to be on that agenda. Further, Mr. Campbell was provided with the information that would be needed by the BOH to verify his claims of being unable to access the home in any way. To my knowledge Mr. Campbell did not contact the BOH at all.
- As it is having now been greater than 3 years that the septic system at 32 Heath Stage Terrace is in failure, I am asking of an order of condemnation, including an order to vacate and secure. Your Health Agent staff will placard the home within 24 hours of such an order.

Marcus Campbell said that the previous owner Linda Rowland had placed restraining orders on he and Donna Ardine, and that was why he could not get workers in there to do the work. He said Donna was squatting in the house that she sold them. He said he never received mail and had told Charlemont and State Police about it. He said Donna Ardine was in the hospital for 4 months. Recently Linda Rowland had a fall and had vacated the house. They took possession and had septic a design paid for and has contacted local contractors to do the work. He said the septic was not currently backed up. He pleaded with the BoH to not condemn the property, saying he had money to do the septic, but not to pay the fine.

The Board spoke with Campbell about the current plans to get the septic done and the contractors involved.

Telling motioned to adjourn the hearing, Lingle seconded the motion. Telling Yes, Lingle yes.

Telling made a motion that the septic must be installed and approved by February 17th, 2025. If it is not installed and approved by that date, 32 Heath Stage Terrace will be automatically condemned. If it is installed and approved by February 17th, 2025, the fines will be waived. After receiving confirmation from Randy Crochier that it was a reasonable timeline, Lingle seconded the motion. Telling -Yes, Lingle-Yes.

4:00 pm Discussion (not hearing) – Cold River, 31 Main Street, Tobacco violation

Kristie Faufaw could hear the proceedings but could only communicate via the chat function.

On November 29, 2024, at 2:12 p.m., a youth went to Cold River and asked for a pack of Zinn rolling papers and ended up buying a cigar from the cashier who was an adult with long reddish tint hair and a beard. The youth was not asked for an I.D. Kristie said it was her nephew who has been let go. They brainstormed ways of checking IDs. There is an app for phones, or it can be set up with the cash register.

They talked about there not being a violation of selling certain flavored tobacco products. Kristie said she would write a check.

4:10 pm Jonathan Mirin to discuss Disability accommodation request re: National Grid proposal for Avery Brook Rd. Guest expert Kent Chamberlin PhD invited to attend.

Jonathan explained his concerns regarding an upcoming National Grid pole replacement project on his road, he introduced the Board to Kent Chamberlain who has led a State Commission in New Hampshire giving answers on the harms of wireless radiation.

Rob asked if the evidence had changed because when they had looked into it previously, they hadn't been convinced. Chamberlin said that he had also been a skeptic but that when the studies are not designed by industry that the science was crystal clear, that studies do show problems with wireless radiation exposure. Rob is interested and would like to receive any relevant "smoking gun" studies.

Jonathan will make sure that the Board gets Chamberlin's PowerPoint presentation with links to studies and a video presentation.

Godeliève Richard asked the board to watch the presentation. She has symptoms. Many people have symptoms and want to be heard. She said it is not just a certain segment. Anyone who is exposed will suffer negative effects, like with smoking, but effecting the entire body, premature aging, chronic inflammation, Alzheimer's and diabetes. She would like everyone to be protected. Some people, like herself, cannot leave their homes. More and more people are exhibiting symptoms.

They spoke about the particulars of the action of wireless radiation exposure.

Jonathan is looking for the Board of Health to write a letter in advance of the Select Board pole Hearing continuation saying that there is a possible health issue. The Board said that they got a letter from Elena Kirschenbaum in support of what Jonathan is asking, which is to have the fiber run underground. The BOH will put Jonathan back on the agenda in January so they have time to process the information.

They spoke about the placement of towers, and that you don't need a booming signal to have a robust phone call. Chamberlin works in towns (i.e., Lenox) to site towers in appropriate areas, he has worked for the FAA, the Army /Navy and the Department of Justice, among others.

Pam Wallace added that it is a Board of Health issue because cellular infrastructure is being sited in residential areas that are not zoned for cellular infrastructure, and the BoH needs to take care with people who are sensitive to exposure. Many people don't know where to live, There is a need to keep some places for people who need low pollution.

Lingle moved and Telling seconded the motion to adjourn. Telling yes, Lingle yes.
Meeting Adjourned 5:07 pm

These minutes are not official until signed.

Documents Reviewed

- Agenda 12/10/24
- letter from Elena Kirschenbaum