

PITKIN BOARD OF HEALTH MEETING
At the Newcomb Community Center

June 19th at 6:30 PM

MINUTES

Full and timely notice of this meeting was provided pursuant to C.R.S. 24-6-402(2)(c).

Board of Health members Steve Pinkston, Suzy Metzler, Cory Nasso, Angela Huckaby John Rowan and Brad Wick were present. Attorney Jim McDonald was present. Minutes taken by Clerk Sara Gibb.

1. **CALL TO ORDER/Roll Call** - Mayor Rachel New called the meeting to order at 6:33 p.m.
2. **Discuss OWTS installation protocol, implementation and follow-up (including Town Sanitarian concerns regarding 724 State St.)**

Mayor Rachel New provided a brief history of Regulation 43. The Town of Pitkin adopted Regulation 43 by ordinance in late 2015 and adopted revisions in February 2018.

Mayor Rachel New handed the chair position to Mayor pro tem Cory Nasso due to her involvement in conversations about the installation of the OWTS at 724 State St.

Mayor pro tem Cory Nasso took over as chair of the meeting.

Per Sanitarian Rand Makowski, "they never called me for the first inspection." He met with Schmalz' workers and the tank was in and the leach field was half in and he told them to call him to inspect. Jerry Greene inspected, Rand requested a letter from him to present to the Town.

Rand states he saw the septic tank in the ground and about half the infiltrators. He never did an actual inspection. Rand doesn't want to final the system since he didn't do the first inspection.

Mayor pro tem Cory Nasso wondered who asked Rand to final the system. Rand said he thought it was the Town.

Board of Health member Brad Wick wondered why the Town felt it didn't need to make setbacks. Sanitarian Rand Makowski stated that this is because it's an improvement over the previous system.

Mayor Rachel New wondered what the current setback from the creek is. Rand believes 33 feet. He stated the required setback is 50 feet. Mayor Rachel New stated that per Regulation 43, the setback is 25 feet from the water.

Board of Health member Brad Wick wondered if the system is a lined or unlined sand filter.

Board of Health member Suzy Metzler wondered if the system was approved by the Board of Health prior to installation. Mayor pro tem Cory Nasso stated that wasn't the process. Mayor Rachel New pointed out that in 2013 when Regulation 43 was created, specific protocols for system repairs were provided. The Town of Pitkin, in its own ordinance in 2015, required a Board of Health review ONLY for systems requiring a variance.

Mayor Rachel New pointed out that the OWTS plan does not contain required information, including setbacks to certain features. It could be that the permit should not have been signed based on this. She also pointed out that there are three things required before final - inspection before backfill, as-built drawing from engineer submitted to town, engineer certifies in writing that the system is working properly.

Mayor pro tem suggested that the as-built and a certified letter from Jerry Green should fulfill the requirements.

Board of Health member Brad Wick suggested including the guidelines in the ordinance. Mayor Rachel New pointed out that it's all in the ordinance, the guidelines are a more user-friendly checklist.

Board of Health member Brad Wick believes the encroachment on the Rupp property line is a real problem. Mayor pro tem Cory Nasso stated that the Town signed a permit without setback information.

A certification letter from Jerry Greene will be requested.

Board of Health member Suzy Metzler believes that this board needs to look at every septic plan and every repair. Mayor Rachel New pointed out that for three years, the Town has had in place a process for OWTS permits. The Town has no supervision for the Town Sanitarian. The Town has not followed the process in 43. The Sanitarian is being paid to complete the three steps for an OWTS application review and site inspections. As an environmental health board, there has been a failure to make sure this was done properly. Paying someone to complete a job and then taking control of it yourself is not effective.

Board of Health member Steve Pinkston wondered if anyone had asked Mike Rupp what he thinks. Rand Makowski reported that Mike Rupp had agreed to write a letter. Board of Health member Suzy Metzler stated that she had turned in Mike Rupp's letter. Mayor Rachel New pointed out that the issue at hand is the Town of Pitkin's failure to follow procedure. The adjacent property owner should not dictate how the Town handles their mistake. She also wondered how far back in discrepancies should the Town go?

Board of Health member Brad Wick wondered why the contractors backfilled without an inspection. Mayor Rachel New stated that when she visited Schmalz, he told her that he had a voicemail from Rand stating that the system was too close to the creek. Rachel confirmed that the system was far enough from the creek and that Schmalz could proceed with their work. It is unknown if they interpreted that to mean they could backfill. Both Mayor Rachel New and Schmalz attempted to contact Town Sanitarian Rand Makowski at that time and neither was successful. She also wonders why it took 9 months to realize these errors.

Attorney Jim McDonald states that this situation is a result of a series of failures. There was no initial inspection, the designs were lacking in the requirements necessary for approval and there was no inspection prior to backfilling.

Town Sanitarian Rand Makowski thinks he called Fred Schmalz about the creek setback.

Attorney Jim McDonald wondered if the field could be redesigned to comport with the setback requirement. He also believes the Garetsons should be given an opportunity to comment.

Mayor pro tem Cory Nasso would like to hear from Jerry Greene.

Board of Health member Suzy Metzler would like Rupp's letter shared with the board and believes it's a possible solution.

Attorney McDonald stated that he would advise the Board to never consider the contents of that letter as a solution. It would set a dangerous precedent.

The clerk will write a letter to Jerry Greene on behalf of the town asking specific questions about the septic at 724 State and inviting him to come and talk with the Board of Health. (were setbacks drawn according to 43, was system installed according to plan)

Public Comments: Jerra Garetson, Cindy Wick, Pete Olson, Chris Nasso, James Sharpton, Kandy Nasso

3. Adjourn Board of Health Meeting. Mayor Rachel New adjourned the meeting at 7:45 pm.

Approved minutes, ordinances, resolutions, future agendas, and other Town of Pitkin public notices can be found at <https://www.colorado.gov/pitkin>

**Public comment to the Board of Health members is encouraged. Comments may be limited at the mayor's discretion*

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