

**Town of Dartmouth
Board of Health
Minutes of the Meeting of
06 February 2013**

APPROVED
30:00/00:00
02/20/2013

RECEIVED
2013 FEB 22 A 9:41
DARTMOUTH TOWN CLERK

The meeting notice was duly posted.

This meeting was called to order at 6:03 p.m.

Lynne Brodeur, Thomas Hardman and Leslie E.J. McKinley were present. Wendy Henderson, Director of Public Health was also present.

The Minutes of the meeting of January 09, 2013 were accepted written by Thomas Hardman, Leslie E.J. McKinley and Lynne Brodeur.

RE: State Road Cement Block/Plat 164, Lot 46, 656 State Road - Dust Complaint - 7/21/2010 - No new complaints were received.

RE: Director of Public Health Job Description - 8/22/12 - Wendy Henderson, Director of Public Health informed the Board that the Union has not scheduled a meeting with the Town Administrator yet. Ms. Henderson told the Board she would keep them apprised.

RE: FY2014 Operational Budget/Annual Town Report - The Board reviewed the budgets for the Board of Health and Animal Control. Wendy Henderson, Director of Public Health informed the Board that the only changes in the budget for the Board of Health were COLA's and a request for \$1,400.00 for compliance checks and one inspection per year for Tobacco Control. The Board asked if the office had received any complaints from retail stores not allowed to sell tobacco. Wendy Henderson informed the Board that none had been received. However, she did explain to the Board that there has been an inquiry about a head shop and a hookah bar. Lynne Brodeur, Chair explained to the public what a hookah was. Leslie E.J. McKinley felt that the staff salaries were low. The Board would like Ms. Henderson to research salaries in other municipalities. Ms. Henderson informed the Board that she believes there is a book by MMA that has updated salaries. She will get the information from the Finance Director.

RE: Dartmouth Motel & Guest Cabins Regulation - Draft - 01/09/2013 - The Board was given Draft 3 of the Motel & Guest Cabins Regulation. Wendy Henderson, Director of Public Health asked the Board what should be the duration of a stay if kitchen facilities were included in the rented room. The Board stated that as long as there were kitchen facilities they would not implement stay limits. Ms. Henderson also questioned the Board on single-serve items and coffee pots. Would the Board require the Motel or Cabin to have a three compartment sink or dishwasher to accommodate coffee pots. The Board stated one or the other. Ms. Henderson asked the Board to review the third draft before the next meeting and submit comments or suggestions to her.

RE: Dartmouth Supplemental Regulations 12/17/2011 - Ms. Henderson informed the Board that Town Counsel has the regulations but has not yet reviewed them.

Board of Health Meeting 06 February 2013

RE: Septic Plans - The following septic plans were reviewed by Health and Sanitary Inspector, Christopher Michaud and approved by the Director of Public Health, Wendy W. Henderson.

PAL Realty Trust/Plat 77, Lot 39-1 High Hill Road

Solo Realty LLC/Plat 37, Lot 23, 516 Fisher Road - Additional perc and soil evaluation with reserve area required to increase flow beyond the existing flow. Note to be placed on plan. In addition, the Board would like the Engineer notified that as the design offers the alternative option for the EZFlow system, the design specifications must be shown on the plan. The engineer will need to revise the design to provide such specifications or omit the EZFlow option before the subsurface sewage disposal plan is approved..

RE: Community Nurse & Hospice Care - Public Health Statistics for December 2012 - The Board perused the December 2012 statistics received by the Community Nurse & Hospice Care.

RE: Community Nurse & Hospice Care - Stetson Family Trust - Quarterly Payment Ending December 31, 2012 - The Board perused the free care visits billed by the Community Nurse & Hospice Care from the Stetson Family Trust.

RE: Flu Advise for Senior from C.D.C. - The Board perused a memo from C.D.C. about seniors and this year's flu season. No action required.

RE: Animal Issue - Billy Viveiros Farm/Plat 68, Lot 27, 645 Faunce Corner Road - Agreement - 10/18/2012 - The Board perused an agreement signed by Billy Viveiros and Daniel Gil relative to manure handling during the summer months at High Hill Farm. The Agriculture Commission will monitor the situation. The Board was grateful that the Agriculture Commission was able to assist in this situation.

RE: Public Information Meeting Sponsored by D.E.P. Relative to Clean Communities (Cecil Smith Landfill) Capping and Closure/Plat 72, Lot 6 Old Fall River Road - Present for this part of the meeting was Gloria Bancroft of Collins Corner Road and Kathy and John Costa of Fisher Road. An informational public meeting will be held on March 28, 2013 to discuss the capping and closure of the former Cecil Smith Landfill. The landfill is currently inactive and unlined and needs to be properly capped or closed in compliance with the Solid Waste Regulations.

The public informational meeting will include presentations by representatives of the Mass DEP's Solid Waste Management Section and by the landfill owner's consultants who will describe the regulatory history and status of the landfill, the regulatory approval process, proposed improvements, and conceptual closure plans. Representatives from the Mass DEP and the landfill owner's consultants and engineers will be available to respond to questions.

The Mass DEP will receive written public comments regarding the landfill capping and conceptual closure plan for a period of twenty-one (21) days following this informational meeting.

Board of Health Meeting 06 February 2013

Thomas Hardman was concerned that there is not enough documentation of the hazardous waste. Wendy Henderson, Director of Public Health informed the Board that Ray Wesin categorized the site for E.P.A. in 2000. Thomas Hardman stated he had concerns for residents in the area and their wells. He had a lot of concern about the groundwater. Mr. Hardman inquired if there will be test sites at different residences. Wendy Henderson informed the Board that the Town would like to hire as consultants Tighe & Bond and the consultants fee would be paid for by Boston Environmental. However, Boston Environmental would like 3 bids. Leslie McKinley had concerns about moving contaminated soils from Boston to Dartmouth. The landfill was capped in the late 1970's - early 1980's and closed by Court Order in the late 80's. There was about six inches of fill and a clay layer, but Mr. Cecil Smith removed and sold the cap. At that time they had permission to put demo materials in a small area. There is little documentation of test pit locations. Wendy Henderson also informed the Board that there will be post closure testing funds but no money for potential remediation. The Board would like to see case files from Clean Communities showing direction of the ground water flow. Cecil Smith started dumping in 1954 after he cleaned out the gravel. Mr. Smith took demo material from old mills. In 1973 the Board of Health would not renew his permit for dumping unless he would correct ongoing violations. Gloria Bancroft questioned if this was a done deal? Also why are clean soils not being used? Leslie McKinley asked why cap, why not remove. Thomas Hardman explained that there would be no more precipitation penetrating the material (only groundwater would move through the buried material). Gloria Bancroft asked if capping was the only option. Ms. Bancroft urges the Board due diligence relative to this matter. The Board felt that monitoring wells would be needed and questioned if a conservation restriction could be required. Thomas Hardman questioned if venting would be required with potential methane generation. There are concerns about traffic and it is estimated to be complete in three years. The Board states that spot checks by consultant should be done, following sampling protocol. The consultant would only be hired to review the proposal at this time. Town Counsel needs to review recent court cases and the proposal. Thomas Hardman asked if it will need an ENF.

The Board will be attending the meeting.

RE: Vincent Frary of Copicut Farms/Plat 74, Lot 12, 11 Copicut Road - Plumbing Issue - Wendy Henderson, Director of Public Health informed the Board that the Plumbing Inspector has found that there is plumbing at the facility that does not meet the code, including work not done by a licensed plumber and materials not appropriate for a commercial establishment (used PVC instead of cast iron) and a sink that drains to a bucket. The office has not received any formal notice of the violations. The Director of Inspectional Services suggested that Mr. Frary apply for a variance from the Board of State Examiners of Plumbers and Gas Fitters to use the PVC. Ms. Henderson asked the Board if they would support this variance request. The Board absolutely agreed that PVC is more practical than cast iron and cost effective.

However, the Board discussed the poignant violations that are critical and need to be corrected before their permit can be issued. If Mr. Frary fails to correct the violations then the Board will have no alternative to rescind the Slaughter House Permit at Copicut Farms and to notify D.P.H. of such as D.P.H. issues the and Poultry Processing Facility Permit.

Board of Health Meeting 06 February 2013

RE: Compost Situations & Complaints/Wilfred Francis Plat 37, Lots 36 & 27 Fisher Road – At this time Thomas W. Hardman abstained from discussion. Present for this part of the meeting was Kathy and John Costa of 794 Fisher Road. A memo from Christopher Michaud, Health and Sanitary Inspector note that on January 8, 2013 a complaint was received from Kathy Costa of 794 Fisher Road regarding odors and other nuisance conditions from composting on an adjacent property. She believed the conditions were resulting from activities conducted out of the Kingfisher Corporation properties off Fisher Rd.

Christopher Michaud, Health and Sanitary Inspector conducted inspections on the Kingfisher parcels and the Francis property from offsite where composting activities are known to occur. The conditions Mrs. Costa referenced in her complaint were not observed or detected during his inspection of the Kingfisher site on January 11, 2013, however a noticeable odor typical of seafood by-products was present along the perimeter of the Kingfisher property where it abuts the land owned by Wilfred Francis. The wind was blowing from the direction of the Francis property where a large pile of compost was observed.

On January 17, 2013 the Francis property was inspected with Wilfred Francis, his son Glen, Christopher Michaud and Wendy Henderson. The Francis's admitted to receiving crab waste from processing facilities for incorporation into their compost pile. The odor around the pile was very strong and crab shells were observed on the surface of the pile. The compost cover material was decomposed yard wastes and no fresh yard waste was available for cover material.

Wilfred Francis was asked about the status of his authority to conduct seafood waste composting on his property and based upon his response it does not appear that he is authorized by the appropriate state agencies to conduct the activity at this time. When pressed for proof of a permit, the Francis' never said they had one and often times made statements to obscure the inquiry. Furthermore, Wilfred Francis was also advised that if he continues to haul seafood waste that he would need to obtain a garbage haulers permit from the Board of Health. He contests this requirement based upon a letter he allegedly was provided by a "judge" that he has failed to provide despite being pressed for its documentation.

Additional complaints regarding an offensive odor in the vicinity of Fisher and Gidley Town Road were received on January 28 and 29, 2013. A follow up inspection by Christopher Michaud revealed a recently dumped pile of crab waste products at the Francis property and during the inspection a delivery truck arrived and unloaded about ten to twelve cubic yards of crab waste near the compost pile.

Lynne Brodeur and Leslie E.J. McKinley discussed this matter and would like a letter sent to Mr. Francis informing him, he must apply for a garbage hauling permit from the Board of Health and to produce the compost registration from D.E.P. to allow dumping of the crab shells. Also the Board would like D.E.P. to be informed of this situation. The Board also requested that the Costa's keep the Board of Health staff informed each time they smell an odor. The Board thanked the Costa's for attending.

RE: Discussion for Any Item Not Know 48 Hours in Advance – The Board was informed of scheduled staff vacations.

RE: Board Signatures – The Board signed the bill in the amount of \$5,097.80 for Community Nurse & Hospice Care from the Stetson Family Trust.

Board of Health Meeting 06 February 2013

At 8:10 p.m. Lynne Brodeur, Chair motioned to close the regular Board of Health Meeting. Roll call vote – Lynne Brodeur – yes, Thomas Hardman – yes, Leslie E.J. McKinley – yes.

With no further business to discuss, the Chair adjourned the meeting at 8:10 p.m.

Respectfully submitted,

Patti S. DeMello
Patti S. DeMello
Administrative Clerk

6:00 P.M. COMMENCE MEETING

Minutes of the Meeting of 09 January 2013

Old Business:

- A. State Road Cement Block/Plat 164, Lot 46, #656 State Road – Dust Complaint – 7/21/2010
- B. Director of Public Health Job Description – 8/22/12
- C. FY 2014 Budget – 01/09/2013
- D. Dartmouth Hotel, Motel & Guest Cabins Regulation – Draft – 1/9/2013
- E. Dartmouth Supplemental Regulation Discussion – 12/7/2011
 - Coastal Bank Setback
 - 15.290 Shared System
 - D-Box
 - Aquifer Requirement from Zoning By-Law

New Business:

- A. Septic Plans
 - PAL Realty Trust/Plat 77, Lot 39-1 High Hill Road
 - Solo Realty Trust/Plat 37, Lot 23, 516 Fisher Road
- B. Community Nurse and Hospice Care – Public Health Statistics – December 2012
- C. Community Nurse and Hospice Care – Stetson Family Trust – Quarterly Bill for 12/31/12
- D. Flu Advise for Seniors from C.D.C.
- E. Animal Issue – Billy Viveiros Farm/Plat 68, Lot 27, 645 Faunce Corner Road - Agreement
- F. Public Informational Meeting Sponsored by D.E.P. Relative to Clean Communities (Cecil Smith Landfill) Capping and Closure – Plat 72, Lot 6 Old Fall River Road
- G. Copicut Farms/Plat 74, Lot 12, 11 Copicut Road – Plumbing Issue
- H. Compost Situations & Complaints
 - Wilfred Francis/Plat 37, Lot 36 Fisher Road
 - Wilfred Francis/Plat 37, Lot 27 Fisher Road
- I. Discussion for Any Item Not Known 48 Hours in Advance
- J. Board Signatures

Appointments: