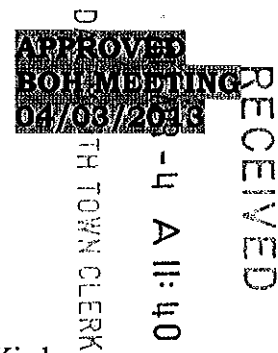


**Town of Dartmouth
Board of Health
Minutes of the Meeting of
20 March 2013**



The meeting notice was duly posted.

This meeting was called to order at 5:58 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 February 20, 2013 were accepted as corrected by Thomas Hardman, Leslie E.J. McKinley and Lynne Brodeur.

The Executive Session Minutes of the meeting of February 20, 2013 were accepted as corrected by Thomas Hardman, Leslie E.J. McKinley and Lynne Brodeur.

RE: Kendra Plumley/111 Grove St. Apt#3, Providence, RI/Body Art Practitioner Application - Ms. Plumley met with the Board to discuss her application to become a Body Art Practitioner in Dartmouth. Ms. Plumley will be performing body art at Famous Tattoo on State Road in Dartmouth. Ms. Plumley's application was complete. Mr. Hardman asked how long she has been doing tattooing. Ms. Plumley has been doing this for three years in Rhode Island. Mr. Hardman mentioned that Ms. Plumley had signed the HEP B declination form. Ms. Plumley was going to get the shot when she had her physical but they didn't offer it. Ms. Plumley is planning on going to Miriam Hospital because they have a program there where she can receive the series of shots. Ms. Brodeur mentioned Ms. Plumley could try the Greater New Bedford Community Health Center. Ms. Plumley will look into it (GNBCHC) because she does want to receive the vaccination.

The Board also looked at her extensive portfolio. Ms. Brodeur asked if Ms. Plumley had attended art school, and what was her first tattoo. Ms. Plumley attended Mass Art with a major in Illustration, and her first tattoo was done on her sister. Mr. Hardman mentioned he would like to see a tattoo done in person. Ms. Plumley mentioned she previously worked for Hope Street in Providence. Ms. Brodeur asked how long a tattoo takes. Ms. Plumley explained it can take a couple of hours or five to six sessions.

Therefore, with Thomas W. Hardman motioning and Leslie E. J. McKinley seconding, it was the unanimous decision of the Board to grant the Body Art Practitioner Permit to Kendra Plumley.

However, in granting the Body Art Practitioner Permit, the following requirements must be provided to the Board of Health:

- Tattoo Procedure witnessed by the Public Health Nurse
- Written assessment from the Public Health Nurse indicating acceptable practices

In a related matter, Thomas Hardman, Board Member had concerns with applicants putting their social security numbers on the Body Art Practitioner Application. Mr. Hardman feels this should be taken off the application.

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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.

RE: Massachusetts Department of Public Health - 2013 Local Public Health Mini-Grant - 02/20/2013 - Wendy Henderson, Director of Public Health didn't get a chance at the last meeting to bring up her suggestions for the mini grant. She has started work on the mini grant for Tobacco Control. Ms. Henderson noted the department took in additional permit fees to cover tobacco compliance inspections. Ms. Henderson explained the department has not provided tobacco sales education in two years. It would be beneficial to do this before compliance checks commence. Mr. Hardman asked to define education. Ms. Henderson explained speaking with merchants, checking and providing necessary signage, going over the employee education and sign-off sheets, and providing educational brochures. Ms. Henderson has conferred with Nicholas Charest from New Bedford Tobacco Control and concurred all 28 establishments could be visited in 16 hours. Ms. Henderson also calculated \$20 for Mr. Charest's mileage.

The Board members unanimously supported Ms. Henderson on applying for this mini-grant for Tobacco Control education.

Ms. Henderson also spoke with Mr. O'Reilly about nitrogen education. Mr. O'Reilly thought there would be money from the Buzzards Bay Project to do something on a larger scale, and get more Towns involved.

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 - The Board perused a flyer that had been distributed to the public. Mr. Hardman asked Ms. Henderson who would be handling the meeting next Thursday. Ms. Henderson explained Mark Dakers from DEP would be moderating the discussion. Ms. McKinley asked if Ms. Bancroft had gotten her email questions answered. Ms. Brodeur felt she must have because she hadn't heard anything else from Ms. Bancroft.

Ms. McKinley asked what the Board's role would be at next Thursday's meeting. Ms. Brodeur felt it would be for information purposes, so the public can gather information and know the process. Mr. Hardman questioned whether or not it should be posted. Ms. Henderson will check with the Town Clerk. Ms. Henderson didn't feel it would need to be posted because the board would not be voting on this matter. Ms. McKinley asked if anything has changed with this project. Ms. Henderson didn't think so but will be having a meeting tomorrow at 2:30 PM with the consultant and some of the other departments.

RE: Compost Situations & Complaints/Wilfred Francis Plat 37, Lots 36 & 27 Fisher Road - At this time Thomas W. Hardman recused himself from discussion. Ms. Henderson hasn't had an opportunity to speak with Health and Sanitary Inspector Christopher Michaud since she has returned from vacation. Ms. Henderson asked the clerk if the hauler had paid the citation and application fee. Ms. Farias replied they had paid both the fine and application fee. Ms. Henderson will follow-up with a letter

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stating Mr. Francis will be fined, unless he shows proof of his registration or at least applied.

RE: Dartmouth Motel & Guest Cabins Regulation - Draft - 01/09/2013 -
Wendy Henderson, Director of Public Health met with David Gagne an intern in the Select Boards office. Mr. Gagne suggested some changes. Ms. Henderson hasn't incorporated them yet. Ms. Henderson will have the changes incorporated for the Board's next meeting. The Select Board will then take the regulations and adopt them for the innkeeper's license. Ms. McKinley asked if they would need to go to Town Counsel. Ms. Henderson will see what Mr. Cressman will suggest.

RE: Capri Motel/Plat 163, Lot 52, 741 State Road - Guest Log Issues - 1/9/2013
The Board perused the document that was submitted by Scott Weisel. Ms. Brodeur feels this is the ramifications of long term renting. Ms. Henderson added the lack of proper ID's. Ms. Henderson stated the document doesn't state from where or who this came from. Ms. McKinley asked if there are any other responsibilities there now for the Board of Health. Ms. Henderson stated its all police issues. Mr. Hardman suggested it may be a good idea to forward this documentation to Chief Lee.

Ms. Brodeur mentioned about a call she received from Judy Cooper a tenant at the Capri. Ms. Brodeur further explained that Health and Sanitary Inspector Christopher Michaud had gone to housing court, and Judy Cooper requested a jury trial which she was granted. Ms. McKinley couldn't remember what the plan was on checking on the Capri. Ms. Brodeur stated the plan was to recheck in April or May. Ms. Brodeur mentioned Ms. Cooper requested another re-inspection for this week. Ms. Brodeur was going to go out with Health and Sanitary Inspector Christopher Michaud on this inspection, but had not heard from him as of this meeting.

RE: Dartmouth Supplemental Regulations 12/17/2011 - Ms. Henderson informed the Board that she had spoken with Town Counsel this week but nothing has been forwarded in writing at this time.

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.

Long Built Homes/Plat 32, Lot 41, Fisher Road

Jeff & Susan Costa/Plat 33, Lot 21, 22 Woodcock Road

RE: Septic Plans - The following septic plans were reviewed by Health and Sanitary Inspector, Christopher Michaud and approved by the Board.

Thomas Quann/Plat 24, Lot 64-5 Fieldstone Farm Drive - Effluent Filter - The Board discussed the aforementioned septic plans and pursuant to the provisions of 310 CMR 15.000, Title 5, with Thomas Hardman motioning and Leslie E.J. McKinley seconding, the Board of Health voted unanimously to approve the aforementioned plans with the following stipulation:

- Prior to release of the plans and before commencing with construction of the subsurface sewage disposal system, the Operation & Maintenance Agreement/Contract must be submitted to the Board of Health for the yearly cleaning of the outlet tee filter.

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Long Built Homes/Plat 49, Lot 23, Sub Lot 1 Old Westport Road –Nitrogen Loading- Prior to release of the plans and before commencing with construction of the septic system, a copy of the D.E.P. approval for the Nitrogen Loading Plan must be submitted to the Board of Health.

The Fitzpatrick Irrevocable Trust/Plat 88, Lot 49, 81 Naushon Avenue – Waiver & Deed - Thomas W Hardman asked for the acreage of the property. Ms. Henderson stated 11, 853 square feet. Ms. McKinley asked if the issue was to do with the geology. Mr. Hardman explained the deed restriction is due to a high water table and they put the system in without a pump.

Pursuant to the provisions of 310 CMR 15.000, Title 5, with Thomas W. Hardman motioning and Leslie E. J. McKinley seconding, the Board of Health voted unanimously to approve the aforementioned plans with the following waiver:

Section	Waiver
15.212	Minimum vertical separation of 3' between the bottom of the soil absorption system and the estimated seasonal high groundwater elevation. 4' required.

A deed restriction limiting the home to five bedrooms with no additional flow must be notarized and recorded at the Bristol County Registry of Deeds, and returned to the Board of Health before a disposal works construction permit can be issued.

Putnam McDowell/Plat 97, Lots 19 & 20, 5 Penikese Lane – Abutter Comments
– Thomas W Hardman recused himself from all discussion and voting on this matter.

Wendy Henderson, Director of Public Health briefly spoke with the engineer this afternoon. Ms. Henderson explained the new system is partially in the Flood Zone and doesn't have a reserve area. Ms. Henderson is doing research on other properties with similar situations. Ms. Brodeur asked if they can move the system. Ms. Henderson explained they are moving the house outside of the velocity zone. Initially they had attached the shed to the system. The shed has a compost toilet right now. There is only one test pit and no reserve area. The plan is to demolish the house, however if they left the house where it was the septic system could be out of the velocity zone. Ms. Henderson read into the record 310 CMR 15.002 – New Construction. Ms. Henderson wants to review precedence the Board has set. Ms. Brodeur has an issue with the boundary. Ms. McKinley feels this issue should be tabled until such time as Ms. Henderson can accumulate the information need to make a decision.

Therefore, with Thomas W. Hardman abstaining, Leslie E.J. McKinley motioned and Lynne Brodeur seconded and the Board voted 2-0-1 to table this matter pending further information.

RE: Robert Anderson/Plat 23, Lot 58, 160 Horseneck Road – Extension for Repair of Septic System- Thomas W Hardman disclosed that he had done some work on this site. The Board discussed Mr. Anderson's letter relative to an extension for repair of the septic system d-box and septic tank at Plat 23, lot 58, 160 Horseneck Road. Per Mr. Anderson's letter, no one is residing at the aforementioned property

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and Mr. Anderson would like to make repairs at the time renovations are done to the home.

Therefore, with Thomas W. Hardman motioning and Leslie E.J. McKinley seconding, the Board voted unanimously to grant the extension to repair the D-Box and septic tank for one year from this date or prior to occupancy, whatever comes first.

RE: Newsletter from David Cressman, Town Administrator- The Board perused the newsletter. Ms. Henderson reminded the Board that in the Board of Health May newsletter will include something about ticks, mosquitoes, and nitrogen. No action required.

Re: Community Nurse & Hospice Care/Public Health Statistics - January 2013 - Lynne Brodeur mentioned there was a change to the nursing visits for February. Ms. Brodeur questioned the Hepatitis E, and no mention of Hepatitis D. Ms. Brodeur explained Hepatitis E is usually combined with Hepatitis D. Ms. Brodeur commented on the Salmonella case and where it came from. Ms. Henderson stated she would speak with Ms. Bohan the Public Health nurse in regards to the Hepatitis E and D. No further comments on the matter.

Re: Greater New Bedford Regional Refuse Management District - Renewal of Authorization to Operate Crapo Hill Landfill - Wendy Henderson, Director of Public Health feels it's a good idea to continue with GNBRRMD. The Board concurred with Ms. Henderson.

Re: Comprehensive Revisions to Dog By-Laws - The Board perused draft revisions of the Town of Dartmouth - Dog By-Laws. Ms. McKinley asked if the Board had already done this. Ms. Henderson explained a few weeks after the Attorney General approved the Dog By-laws the Commonwealth of Massachusetts made some changes to the general laws, which required the Town to amend the Dog By-laws. No further action required.

RE: NALBOH - News Brief - 1st Quarter 2013 - The Board perused this briefly. No action required.

RE: Discussion of any item not know 48 hours in advance-

Disability insurance reimbursement - Wendy Henderson, Director of Public Health- The Board perused a letter from the Director of Public Health relative to contractual obligations to reimburse her for disability insurance in effect July 2005 through June 2008. According to the Director of Public Health contract, the town shall reimburse the employee for the cost of the disability insurance not to exceed \$2500 per year. Therefore, per the contract years July 2005 through June 2008, Ms. Henderson is owed \$4,648.80.

To that end, with Thomas W. Hardman motioning and Leslie E.J. McKinley seconding, it was the unanimous decision of the Board to request that an article be submitted to spring town meeting to reimburse Ms. Henderson \$4,648.80 for disability insurance she paid for in the contract period of July 2005 through June 2008.

RE: Animals at Plat 72, Lots 6 & 9 Old Fall River Road- Mr. Hardman asked about the animals at Mary Robinson's property. Ms. Henderson informed the Board

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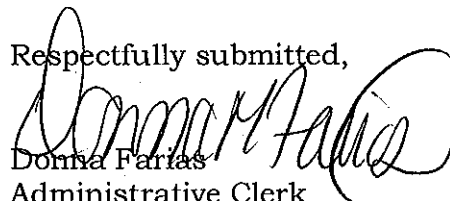
that the animals not taken care of properly have been adopted or taken to the auction. Ms. Brodeur asked if Ms. Gosselin will be bringing charges. Ms. Henderson believes she will be doing so. Mr. Hardman asked how she would bring charges against them. Ms. Henderson explained with the Police.

RE: Board Signatures - The Chair signed four personnel sheets.

At 6:58 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 6:58 p.m.

Respectfully submitted,


Donna Farias
Administrative Clerk

6:00 P.M. COMMENCE MEETING

Minutes of the Meeting of 20 February 2013
Minutes of the Executive Session of 20 February 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 – 8/22/2012
- C. RE: Massachusetts Department of Public Health – 2013 Local Public Health Mini-Grant – 02/20/2013
- D. 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 – Consultants Proposal 02/06/2013
- E. Compost Situations & Complaints 02/06/2013
Wilfred Francis/Plat 37, Lot 36 Fisher Road
Wilfred Francis/Plat 37, Lot 27 Fisher Road
- F. Dartmouth Hotel, Motel & Guest Cabins Regulation – Draft – 1/9/2013
- G. Capri Motel/Plat 163, Lot 52, 741 State Road – Guest Log Issues – 1/9/2013
- H. 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
Long Built Homes /Plat 32, Lot 41, Fisher Road
Long Built Homes/Plat 49, Lot 23 Sub Lot 1 Old Westport Road – Nitrogen Loading
Thomas Quann/Plat 24, Lot 64-5 Fieldstone Farm Drive – Effluent Filter
Jeff & Susan Costa/Plat 33, Lot 21, 22 Woodcock Road
The Fitzpatrick Irrevocable Trust/Plat 88, Lot 49, 81 Naushon Avenue – Waiver & Deed
Putnam McDowell/Plat 97, Lot 19 & 20, 5 Penikese Lane – Abutter Comments
- B. Robert Anderson/Plat 23, Lot 58, 160 Horseneck Road – Extension for Repair of Septic System
- C. Newsletter from David Cressman, Town Administrator
- D. Community Nurse & Hospice Care/Public Health Statistics – January 2013
- E. Greater New Bedford Regional Refuse Management District – Renewal of Authorization to Operate Crapo Hill Landfill
- F. Comprehensive Revisions to Dog By-Laws
- G. NALBOH – News Brief – 1st Quarter 2013
- H. Discussion for Any Item Not Known 48 Hours in Advance
 - 1. Disability Insurance Reimbursement – Wendy Henderson
- I. Board Signatures

Appointments:

6:30 p.m. Kendra Plumley – Body Art Practitioner Application