

**Town of Dartmouth
Board of Health
Minutes of the Meeting of
03 April 2013**

Approved
Board Meeting
04/17/2013
RECEIVED

The meeting notice was duly posted.

2013 APR 18 P 4: 01

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

DARTMOUTH TOWN CLERK

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

Thomas W. Hardman, Chair elect chaired the meeting.

Due to clerical error, reorganization of the Board was not posted on the agenda, therefore will happen at the next Board Meeting on April 17, 2013.

The Minutes of the meeting of March 20, 2013 were accepted as corrected 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 - On March 26, 2013, Mr. John Wheaton of 14 Connecticut Avenue called at 10:50 a.m. and stated that it was like a desert at his house. The northwest winds were blowing. Mr. Wheaton wants the tops of the building cleaned. Mr. Wheaton stated that there is no reason they cannot water it down as it is not freezing now. On March 26, 2013 at 12:45 p.m., Health and Sanitary Inspector Christopher Michaud spoke to Paul and Richard Bono. It was noted that a small pile of sand was on the roof and the Bono's said that they would have their workers clean it. Christopher Michaud reported that the small amount of sand amounted to be about ½ of a wheel barrow. Christopher Michaud then reminded the Bono's about wetting the sand and lot as conditions require. Paul Bono informed Christopher Michaud that they started operating about two weeks ago. Mr. Bono also mentioned that the streets are full of sand right now and sand could be blowing over from the street.

At 3:00 p.m. on March 26, 2013, Delores Wheaton called and expressed her concern with the recent start up and that nuisance conditions (dust) are being experienced on her property. Mrs. Wheaton claims that they are not watering and it is dry out as it is now the dry season. Christopher Michaud noted that on March 25, 2013 it rained and snowed and according to the weather more snow is on the way for March 28, 2013. Mrs. Wheaton said she is fed up with this and is going to call a lawyer and the E.P.A. wherever they are.

Thomas W. Hardman noted that he had visited the site on a windy day in March 2013 and noted that he saw a lot of dust from Route 6 - State Road.

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: 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 - Thomas W. Hardman, Leslie E.J. McKinley, Board Members and Wendy W.

Board of Health Meeting 03 April 2013

Henderson, Director of Public Health were present for the meeting. Lynne Brodeur was unable to obtain access to the meeting room due to parking constraints. Gloria Bancroft was in attendance for this part of the meeting. A lengthy one hour discussion then ensued with Wendy W. Henderson, Director of Public Health informing the Board that the Town Administrator would like each department to put together their concerns and submit them to him to be compiled in a letter to D.E.P. and copies going to the Governor, Senator Mark Montigny and Representative Chris Markey. The Board would like the following incorporated into the letter:

- Pre & Post groundwater testing needs to be done
- A comprehensive groundwater monitoring and site assessment
- Testing for CSA (VOC's & PCB's)
- Volume of refuse
- Are there alternatives with less public health impacts
- Concerns about asbestos in the fill
- Suggestion that a conservation restriction be placed on site in the form of an AUL to preclude future destruction of the cap and financial gain for Mary Robinson

The Board also perused a letter from Eugene Plaud of 367 Old Fall River Road voicing his concerns to D.E.P. The Board discussed what would happen if D.E.P. allows the capping. The Town would be able to challenge D.E.P.'s decision. Wendy W. Henderson, suggested that homeowners voice their concerns about potential contaminations to their potable drinking water supply to D.E.P. Lakeville, Kenneth Kimmel, D.E.P. Commissioner, Senator Mark Montigny and Representative Christopher Markey. The Board also suggested contacting the Coalition for Buzzards Bay, Westport River Watershed Alliance and Hands Across the Water for their support.

RE: Compost Situations & Complaints/Wilfred Francis Plat 37, Lots 36 & 27 Fisher Road - At this time, Thomas W. Hardman recused himself from the discussion. Wendy W. Henderson, Director of Public Health informed the Board that another letter was sent to Rome Packing informing them that their application was incomplete due to the fact that Town of Dartmouth Board of Health, Solid Waste/Recycling Regulations, 4. General Recycle, requires any entity engaged in the disposal or transportation of solid waste and or recyclables in the Town of Dartmouth to obtain a Garbage Haulers Permit and it to remove to an approved disposal facility. The Francis property off Fisher Road is not recognized as an approved disposal facility as no documentation has been presented to this office by the owner, Wilfred Francis or Rome Packing, that authorizes the property to accept wastes in accordance with 310 CMR 16.000 and 330 CMR 25.00.

Therefore, be advised that the application for a Garbage Haulers Permit for 2013 is incomplete. In order for the Garbage Hauler Application to be processed the following needs to be addressed:

- Rome Packing must submit an alternate disposal facility location that is authorized to accept seafood waste products or
- provide documentation that the Francis property has the necessary permits to accept the material.

Failure to provide the aforementioned information in a timely manner to the Board will result in the application being denied. To that end, until a Garbage Haulers Permit is issued by this office, Rome Packing cannot haul or dispose of solid waste or

Board of Health Meeting 03 April 2013

recyclables, including seafood waste, within the Town of Dartmouth. If Rome Packing company is observed hauling or disposing of solid waste or recyclables within the Town of Dartmouth without a permit additional non-criminal citations in the amount of two hundred and fifty dollars (\$250) per day will result.

RE: Dartmouth Motel & Guest Cabins Regulation - Draft - 01/09/2013 - Wendy Henderson, Director of Public Health informed the Board that she has not been able to revise the regulations to date. Ms. Henderson hopes that she will be able to present the revised regulations to the Board at its next meeting on April 17, 2013.

RE: Putnam McDowell/Plat 97, Lots 19 & 20, 5 Penikese Lane - Septic Plan - 03/20/2013 - At this time, Thomas W. Hardman abstained from the discussion. This matter was continued from the meeting on March 20, 2013 in which the Board requested that Wendy W. Henderson research on other properties with similar situations and to review precedence the Board has set. Ms. Henderson, informed the Board that she has found numerous properties with similar situations and therefore the Board would not be setting precedence. Therefore, with Lynne Brodeur motioning and Leslie E. J. McKinley seconding, it was the 2-0-1 decision of the Board to approve the subsurface sewage disposal system plans for the aforementioned location.

RE: Adelino Cordeiro/Plat 138, Lot 182 Gorham Street - Animal Complaint - 10/04/12 - The Board perused a written complaint from Susan Furtado of 39 Perry Street relative to Mr. Cordeiro having animals on his property without an Animal Permit. At the Board of Health meeting held on October 04, 2012 the Board required Mr. Cordeiro to hire a wetland consultant and submit the results to the Conservation Commission for the proposed animal facilities. Mr. Cordeiro was given sixty days to comply. At this time, Mr. Cordeiro has failed to comply with the Board of Health requirements. Therefore, with Lynne Brodeur motioning and Leslie E.J. McKinley seconding notice is to be sent to Mr. Cordeiro ordering him to remove the animals from the property within fourteen days. Failure to comply with the order will result in non-criminal citations being issued.

RE: Dartmouth Supplemental Regulations 12/17/2011 - Ms. Henderson informed the Board that she has not received the information from Town Counsel.

RE: Rite Aid - Flu Immunization for Town of Dartmouth Employees - The Board perused a notice from Christopher Dinan, Wellness Ambassador for Rite Aid who is offering to sponsor a Flu Clinic for the upcoming flu season for employees of the Town of Dartmouth. Wendy W. Henderson, Director of Public Health informed the Board that she asked Mr. Dinan if they would be able to distribute the town's vaccine for those unable to pay. Mr. Dinan informed Ms. Henderson he would look into that for her and apprise her. Therefore, the Board would like this brought back to the Board later in the summer when the Board of Health is planning their Annual Flu Clinics.

Re: Greater New Bedford Regional Refuse Management District - Windwater Environmental - Wastewater Treatment Plant Sludge - Wendy Henderson, Director of Public Health informed the Board that Scott Alphonse of GNBRRMD contacted her to make the Board aware that the District is considering taking 1-20 yard loads of wastewater treatment plant sludge (40% of which is solids) per day from Windwater Environmental. The District has voted to allow a thirty day trial if Windwater Environmental wants to do the permitting (requires a D.E.P. Operational Modification).

Board of Health Meeting 03 April 2013

If the proposal proceeds, material will be accepted in the morning and incorporated with other waste and covered immediately.

The Board noted that sludge is very odorous. No action required.

Re: Greater New Bedford Regional Refuse Management District - Common Wealth New Bedford Energy LLC - Draft Operating Permit Renewal - Anaerobic Digester - Wendy W. Henderson, Director of Public Health informed the Board that Common Wealth New Bedford Energy, LLC is in the process (2nd step) of applying for their permit for the Anaerobic Digester. The Board had discussed this at their meeting of July 18, 2012 and specifically noted to D.E.P. that the location of the digester must not be in the 1981 Board of Appeals special permit and called out as the North Area and South Area for concerns of fugitive emissions. No action required by the Board.

RE: Letter from Lynn Medeiros, Town Clerk about Posting Agendas 72 Hours in Advance Vs the Required 48 Hours for the Open Meeting Law - The Board perused the email from Town Clerk, Lynne Medeiros relative to posting agenda 72 hours in advance. Once again the Board will send notice to Ms. Medeiros that they will try to comply but will not commit to the request due to circumstances which arise.

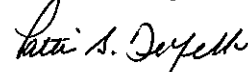
RE: Discussion of any item not know 48 hours in advance-

RE: Board Signatures - No signatures required.

At 7:35 p.m. Thomas W. Hardman, Chair motioned to close the regular Board of Health Meeting. Roll call vote -Thomas Hardman - yes, Leslie E.J. McKinley - yes, Lynne Brodeur - yes.

With no further business to discuss, the Chair adjourned the meeting at 7:35 p.m.

Respectfully submitted,



Patti S. DeMello
Administrative Clerk

6:00 P.M. COMMENCE MEETING

Minutes of the Meeting of 20 March 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. 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
- D. Compost Situations & Complaints 02/06/2013
Wilfred Francis/Plat 37, Lot 36 Fisher Road
Wilfred Francis/Plat 37, Lot 27 Fisher Road
- E. Dartmouth Hotel, Motel & Guest Cabins Regulation – Draft – 1/9/2013
- F. Putnam McDowell/Plat 97, Lot 19 & 20, 5 Penikese Lane – Septic Plan – 03/20/2013
- G. Adelino Cordeiro/Plat 138, Lot 182 Gorham Street – Animal Complaint – 10/4/13
- 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. Rite Aid – Flu Immunization for Town of Dartmouth Employees
- B. Greater New Bedford Regional Refuse Management District – Windwater Environmental – Wastewater Treatment Plant Sludge
- C. Greater New Bedford Regional Refuse Management District – Common Wealth New Bedford Energy LLC – Draft Operating Permit Renewal – Anaerobic Digester
- D. Letter from Lynn Medeiros about Posting Agenda's 72 Hours in Advance Vs the Required 48 Hours for the Open Meeting Law
- E. Discussion for Any Item Not Known 48 Hours in Advance
- F. Board Signatures

Appointments: