

**Town of Dartmouth  
Board of Health  
Minutes of the Meeting of  
04 September 2013**



The meeting notice was duly posted.

This meeting was called to order at 7:00 p.m.

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

The Minutes of the meeting of July 18, 2013 were accepted as corrected by Thomas W. 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 July 19, 2013 at 8:40 a.m., John Wheaton of 14 Connecticut Avenue called with concerns over a situation at SRCB. Mr. Wheaton stated that the conveyor belt broke on Friday July 13, 2013 and they have since been trying to fix it. Mr. Wheaton's concern is that he can see at least two piles of gravel on sheet metal deflectors near roof and under conveyor and is concerned that they are not going to address it. Mr. Wheaton also stated he has not observed SRCB cleaning the roof and material could have spilled from the break.

On July 19, 2013, Health and Sanitary Inspector Christopher Michaud called Richard Bono and explained Mr. Wheaton's concerns. Mr. Bono stated that he would address the issue that day. Mr. Michaud called Mr. Wheaton back and explained his discussion with Mr. Bono. Mr. Michaud informed Mr. Wheaton that he would visit the site. Mr. Wheaton then stated that it seems like sand is escaping at the edge of the roof due to modifications in the repaired belt and he also noticed piles were not covered by the covers/tarps.

On July 22, 2013, Health and Sanitary Inspector Christopher Michaud conducted an inspection at SRCB. Mr. Michaud spoke to Paul and Richard Bono who stated that a worker was on the roof Friday to clean. Mr. Michaud viewed the roof from the loading platform at the highest part. This area gave a view of the entire roof. Mr. Michaud did not observe any sand on the roof and a wheel barrow and broom were still on the roof. The area near the bins were wet and the sprinklers were not running. Given the amount of saturation in the loose sand on the driving area, it would have been a waste of water if the sprinklers were turned on at that time and also would probably track sand to other areas of the site.

RE: Cecil Smith Landfill Capping and Closure/Plat 72, Lot 6 Old Fall River Road - 02/06/2013 - The Board perused numerous articles relative to the Cecil Smith Landfill. Conservation Commission denied the Order of Conditions at its meeting of August 20, 2013., There were letters of concern from the Town of Westport and Colleen Noseworthy. Also a memo from Christine LeBlanc of East Coast Engineering, a letter to D.E.P. from Town Counsel about legal recourse and an article in the Standard Times.

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Ms. Wendy W. Henderson, Director of Public Health also informed the Board that the Soil Conservation Board will be considering soil filling a by-law to disallow bringing fill into Dartmouth at its next meeting on September 05, 2013.

In a related matter, the Board asked Ms. Henderson what was happening to the tenant farmers and the trailer on site? Mr. Henderson explained to the Board that the remainder of the tenants will be evicted on Thursday by the court and that the deadline to abandon the septic system of the trailer has passed as of August 29, 2013. Ms. Henderson will refer the trailer issue to Town Counsel.

RE: Compost Situations & Complaints/Wilfred Francis Plat 37, Lots 36 & 27 Fisher Road – 02/06/2013 - At this time, Thomas W. Hardman recused himself from the discussion. Wendy W. Henderson, Director of Public Health informed the Board that she has had some discussions with D.E.P. relative to this matter. D.E.P. and D.A.R. also referred Ms. Henderson to the Douglass site on Highland Avenue who farms Bison. Ms. Henderson told the Board that she or Mr. Michaud will be calling the Department of Agriculture relative to this matter.

RE: Dartmouth Motel & Guest Cabins Regulation – Draft – 01/09/2013 – The Board perused comments from Chief Lee of the Police Department and Fire Chief Rick Arruda of District 3. Both Chiefs would like their comments incorporated into the regulations. The Board agreed that this was feasible. Therefore, the next step is to get Town Counsel to review the proposed draft regulations and to incorporate the Chiefs comments.

RE: Adelino Cordeiro/Plat 138, Lot 182 Gorham Street – Animal Complaint – 10/04/12 – Wendy Henderson, Director of Public Health informed the Board that Mr. Cordeiro has come to this office a couple of times to see if Ferreira Engineering had dropped of plans for Con Com. To date, Kenneth Ferreira has not dropped off anything for Con Com. The Board discussed this matter and would like some kind of initiate from Ferreira Engineering to submit the plans.

RE: School Nurses Concerns Relative to Public Health – 06/20/2013 – Leslie McKinley informed the Board that she has been in email contact with Jim Keily, Business Manager who has informed her that he has hired experienced school nurses away from both Somerset and New Bedford. In addition, Mr. Kiely informed her of the retirement coming up at the end of next month and will have one more new nurse. Mr. Kiely stated that he very impressed with the enthusiasm, dedication, and professionalism of all of our nurses, and are very excited by what he believe the new nurses will bring to the district. Mr. Kiely also posted the lead nurse position (which is a \$3,000 stipend for one of the existing school nurses). That posting closes Friday, September 06, 2013 and he is meeting with one of the school nurses regarding the position.

The Board discussed this matter, and thanked Ms. McKinley for acting on behalf of the Board. The Board would like Ms. McKinley to follow up and verify that each school has a school nurse.

RE: Dartmouth Shelter Planning – 06/20/2013 – Wendy W. Henderson, Director of Public Health informed the Board that she had spoken to Jane Stankiewicz about the Nurses being active in an emergency situation at any established town

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shelters. Ms. Stankiewicz claims that her Nurses will be too busy with homebounds. Ms. Henderson stated that this condition is in the lease.

RE: Dartmouth Supplemental Regulations to Title 5 12/17/2011 - No new information has been received, therefore, the Chair requested that it be taken off the agenda until such time as Town Counsel submits comments and Mr. Michaud provides some additional changes.

RE: Smoking in the Workplace & Public Places - proposed Regulation Changes - The Board perused changes to the Smoking in the Workplace & Public Places Regulations. Wendy W. Henderson, Director of Public Health explained the regulations were last amended in 2012. However, it has come to her attention that when the Board changed the Tobacco Sales Regulations the provisions for using Nicotine Delivery Products in workplaces or public places was not impacted because it was addressed in the Smoking in Workplace and Public Places regulation.

An e-cigarette proprietor at the mall brought the mall *vaping* situation to Ms. Henderson's attention when he asked if he could allow interested parties, that they provide documentation that are over 18 years of age, to sample the e-cigarettes. He asked what was the difference from people walking around the mall *vaping* the e-cigarettes. Health and Sanitary Inspector Janice Young contacted the mall and they explained they had no idea it was not legal. In checking the Workplace Tobacco Regulations it became apparent that it does not specifically, currently ban the use of e-cigarettes in the workplace or public places.

The revisions include a ban on the use of Nicotine Delivery Products.

Ms. Henderson did not include any clause to require the posting of an establishment to prevent the use of nicotine delivery products. Ms. Henderson's feeling is that signage could be a suggestion if problems arise at an establishment.

In accordance with MGL Chapter 111 Section 31 the Board may adopt these changes or other changes at a properly noticed public meeting and they would become effective as of the date of posting in a newspaper of general circulation.

Therefore, with Lynne Brodeur motioning, and Leslie E.J. McKinley seconding, it was the unanimous decision of the Board to adopt the revisions to the Town of Dartmouth Board of Health Tobacco Control Regulation Prohibiting Smoking and the use of Nicotine Delivery Products in the Workplace and Public Places. Effective date September 11, 2013.

RE: Wendy W. Henderson - Director's Report - The Board perused the Director's Report from July 19, 2013 to July 26, 2013 in which Ms. Henderson detailed issues that she has been working on.

RE: Temporary Food Service Fees - The Board needed to take action and vote for the One Day Temporary Food Permit fee of \$50. With Lynne Brodeur motioning and Leslie E.J. McKinley seconding, the Board voted unanimously to approve the fee of \$50.00 for a Temporary One Day Event.

In a related matter, Lynne Brodeur will be on call on the 7<sup>th</sup> to assist the Health and Sanitary Inspector if needed.

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RE: Complaint Log – July 13, 2013 to August 27, 2013 – The Board perused the copy of the complaint log from July 13, 2013 to August 27, 2013. No action required.

RE: Beach Test Results for July 23, 30, August 06, 13, 20 & 27, 28, 2013 – Water Quality Testing for area beaches was conducted on the aforementioned dates by Health and Sanitary Inspector Janice Young. Results are as follows:

<b>DARTMOUTH BEACHES 2012</b>													
<b>ENTEROCOCCI PER 100ML</b>													
<b>DATE</b>													
	June 11	June 18	June 25	July 02	July 09	July 16	July 23	July 30	Aug 6	Aug 13	Aug 20	Aug 27	Re Test
Hidden Bay	>500	<2	30	34	32	<2	32	<2	2	<2	<2	>500	2
Oak Hill	4	<2	4	<2	6	4	12	<2	<2	<2<2	<2	10	
Anthony's Beach	20	<2	<2	<2	2	2	18	<2	2	<2	<2	>500	16
Bay View	<2	<2	<2	<2	8	<2	10	<2	<2	<2	<2	>500	<2
Mishaum Point/Salter's Point South	<2	<2	<2	<2	<2	<2	18	<2	<2	<2	<2	28	
Salter's Point Main Beach	16	<2	2	18	2	<2	12	<2	<2	2	<2	32	
Nonquitt	<2	2	<2	<2	<2	<2	62	<2	<2	<2	<2	>500	<2
Jone's Beach-Town South	40		14		<2		180	8	2	10	6	>500	4
Jone's Beach-Town North	34		<2		2		24		2		<2		
Apponagansett - Town	276	<2	2	8	<2	<2	14	2	4	12	34	2	
Moses Creek - Town	198	102	<2	70	2	66	38	76	8	48	<35 (Geo-mean)	>500	128
Round Hill - Town (Bi-weekly)	96	20	4	4	<2	<2	28	<2	<2	4	<2	>500	<2

**\*\* GEO. MEAN = 39 beach closed**

*\*Violation of bacteriological standard for Enterococci (>104 colonies/100 mL in marine water, >61 colonies/100 mL in fresh water) beach closed*

*\*Violation of geometric mean standard for Enterococci (>35colonies/100 mL in marine water, >33 colonies/100 mL in fresh water) NT\_not tested*

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

A & I Properties/Plat 59, Lot 7 (sub 9) Arvey Street

Al Peters/Plat 29, Lot 59-10, 2 Mystic Drive

RE: MA D.P. H. – Immunization Program – Final Influenza Vaccine Allocation  
– The Board received notice that Dartmouth has been allocated 230 doses of Novartis trivalent vaccine, 20 doses of Sanofi trivalent vaccine and 10 doses of GSK quadrivalent vaccine. The state supplied vaccine is intended for use in all children six

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months of age through eighteen years of age, uninsured or underinsured adults and any adult regardless of their insurance status at a health department sponsored clinic.

In a related matter, Ms. Henderson hopes to have the vaccine by October and then hold Flu Clinics in early or middle October.

RE: Memo from the Select Board Regarding Open Space & Recreation Committee Appointment – The Board perused a letter from the Select Board relative to the Open Space & Recreation Committee requiring a member from the Board of Health to participate on this committee. Therefore, Thomas W. Hardman motioning and Lynne Brodeur seconding, it was the unanimous decision of the Board to appoint Leslie E.J. McKinley to represent the Board of Health.

RE: West Niles Virus/EEE – notification from MA D.P.H. – Positive Mosquito Sample in Dartmouth – Notice was received through the HHAN that positive mosquito samples (WNV) were found in Dartmouth on August 20, 2013.

RE: Notice from MA D.P.H. – Notification of first Human Case of West Niles Virus – Notice was received from D.P.H. that a Plymouth County resident had contracted a case off WNV. The D.P.H. reminds residents to take precautions to protect themselves against mosquito bites. No action required.

RE: Memo from Board of Appeals – Election of Board Officers and Appointment to Plan Approval Authority – Notice was received from Tina Cabral, Clerk for the Board of Appeals the election of Board of Appeal officers with Jacqueline Figueiredo as Chair.

RE: Notification from MA D.P.H. – Together We're Ready – Massachusetts Emergency Preparedness Month – Notice was received from MA E.M.B. that they are sponsoring a statewide campaign this year to encourage Bay State residents to make plans and prepare for severe weather and natural disasters or other emergency events. No action required.

RE: M.S.P.C.A. – Angell – Nomination for the Animal Control Officer of the Year – Wendy W. Henderson, Director of Public Health informed the Board the M.S.P.C.A. is looking for nominations for ACO of the year. Ms. Henderson suggested Sandra Gosselin, Dartmouth's A.C.O. Therefore, the Board of Health with Lynne Brodeur motioning and Leslie E.J. McKinley seconding voted unanimously to nominate Sandra Gosselin, A.C.O. for the Town of Dartmouth for the award of Animal Control Officer of the Year.

Sandra Gosselin has worked nineteen years for the Town of Dartmouth in the positions of Animal Control Officer, Rabies Control Agent, Burial Agent and Animal Inspector. Through the years, Ms. Gosselin has devoted herself tirelessly through her work in the sole interests of the benefit of all animals, domestic and wild, within the Town of Dartmouth. Ms. Gosselin has voluntarily made herself available on-call for the Town of Dartmouth approximately 2,880 hours a year without compensation.

Ms. Gosselin has maneuvered through three consecutive years of town and state regulatory changes for the betterment of domestic and wildlife animals. Ms. Gosselin proposed town by-law changes and then received notice that the state was

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changing their regulations, subsequently she changed the Town's By-Laws to reflect the state changes.

Ms. Gosselin works cooperatively with others including surrounding communities, citizens and counterparts, non-profit organizations, the state and departments within the Town of Dartmouth for the welfare of animals.

Ms. Gosselin's interest is that of the unspoken members of the community – the animals - they are her only priority. Dartmouth is the 5<sup>th</sup> largest town in the Commonwealth with 35,000 residents, and a land area covering about sixty square miles containing about 4,500 dogs in which 4,300 are licensed through the diligence of our A.C.O. and thereby assuring not only the protection of the dogs from the rabies virus but also the people that come into contact with them. Furthermore, the licensing of dogs facilitates the return of them to their owners in the event that they become lost; saving the owner unnecessary fees at the shelter and reuniting owners with their lost companions. Ms. Gosselin is now working towards licensing the remainder.

Ms. Gosselin works with the animal owners in town through education, promoting rabies vaccinations and responsibilities to care for all animals regardless of their designation as a pet or livestock. She also works with residents in the Town of Dartmouth educating them on wildlife issues such as bats in their house, raccoons, rodents, etc. Ms. Gosselin has made presentations at our public schools and the Boy Scouts of America regarding wildlife and rabies.

If dead wildlife is found on roads in Dartmouth, Ms. Gosselin picks up the unfortunate road kills and disposes of them in the proper manner for the protection of public health.

Furthermore, in addition to Ms. Gosselin's full time forty hour work schedule, she is on call, owns and operates a stable, fosters canines that she feels are adoptable but was not in the right setting at the shelter. Once she has trained these canines that were destined for euthanasia, she finds suitable homes for them.

Dartmouth is an agricultural community. In Dartmouth there are extremely rural sections of town with many farms, suburban portions of town with landowners with a variety of animals including goats, pigs, fowl, etc. and urban areas of town with commercial businesses. With the size and the diverse nature of the land use the Animal Control Officer has to be an expert in so many different things including domestic animals, large & small farm issues, large animals, small animals, and fowl to name a few.

To that end, it is the Board's hope that Ms. Gosselin is recognized for this esteemed award for Animal Control Office of the Year.

RE: Animal Control Staffing Discussion – Wendy W. Henderson, Director of Public Health brought to the Board's attention the need for a permanent part time Animal Control Officer with between thirty to thirty five hours a week. In addition, the Board perused a memo from Sandra Gosselin, A.C.O. relative to this issue and the cost of continuing training to part time employees, who once get trained move to full time positions in other towns leaving Dartmouth once again without part time help.

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Ms. Henderson explained to the Board that with vacation schedules and continuous changes in state law requiring training by A.C.O.'s the need for a reliable permanent A.C.O. is needed. Ms. Henderson would like to bring this to the attention of David Cressman, Town Administrator so that the Board can place an article for Spring Town Meeting.

The Board discussed this matter, and with Lynne Brodeur motioning and Leslie E.J. McKinley seconding, it was the unanimous decision of the Board to request additional hours for the A.C.O. part time position.

RE: MA Emergency Management Agency (MEMA) – The Impact of Hurricanes on Inland Locations – Notice was received from MEMA the impact of hurricanes on inland locations and safety tips to remember. No action required.

RE: MA Water Pollution Abatement Trust – Changes to Community Septic Management Program – Notice was received from MWPAT notifying the town of changes to the Community Septic Management Program. In order to keep this program functioning, the loans are considered State Revolving Fund loans and became subject to the same terms and conditions of other SRF loans. That being said, the loans now will be charged an administrative fee of .15% on the outstanding principal on permanently financed loans. Therefore, towns may want to review the interest rates being charged to homeowners for their loans to ensure that adequate funds are being generated to cover these increased costs. The changes will be incorporated into guidance documents that have been used by cities and towns over the years that have implemented the CSMP programs.

Wendy Henderson, Director of Public Health have been in contact with Gregory Barnes, Finance Director to determine a percentage rate to charge homeowners for the associated cost. She has yet to receive an answer.

RE: Community Nurse & Hospice Care – Public Health Statistics for June & July 2013 – The Board perused the June & July 2013 statistics received by the Community Nurse & Hospice Care.

RE: Draft R.F.P. for Public Health Nursing Services/Bullard Center Lease – Wendy Henderson, Director of Public Health informed the Board that she had received the RSP from David Cressman, town Administrator relative to the John C. Bullard Wellness Center. Ms. Henderson made a few changes and requested that the Board peruse for their input. The Board discussed the RSP and noted it looked fine as changed. It will now be sent back to Mr. Cressman to put out to bid.

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

Shingle Vaccine – Wendy W. Henderson, Director of Public Health informed the Board that the D.P.H. is offering Shingles Vaccines to communities once again. However, the condition is that it be an uninsured or underinsured resident. There are limited does of the vaccine. The Board discussed this matter and would like to get does of the Shingle Vaccine for residents in Dartmouth.

RE: Board Signatures – The Board signed an Order of Betterment Assessment for Sharon Pittsley of 1058 Fisher Road. The Chair signed five personnel sheets.

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RE: Armand Fernandes Representing Antonio F. Morais and Kathleen F. St. Pierre, Owners of Plat 38, Lot 141, 83 Potter Street - Minimum Housing - Notice was received from Attorney Fernandes prior to the Board meeting that his client, Mr. Morais was unable to attend tonight's meeting and requesting a postponement. The Board postponed the appointment until October 02, 2013 at 7:15 p.m. Notice to be sent to Attorney Fernandes as such.

RE: Dorsey Gibbes, Owner - ECE-CT LLC dba Electronic Cigarette Emporium - Request to Allow Sampling of E Cigarettes at the Dartmouth Mall - Mr. Dorsey Gibbes and Mark Harrington met with the Board to discuss allowing sampling of ecigs at the Dartmouth Mall. Mr. Harrington at this time demonstrated the use of an ecig. Mr. Gibbes explained to the Board the difference of an ecig compared to a hookah. Mr. Gibbs also explained that ecigs come with 0-30 mg of nicotine. Mr. Harrington gave the Board two ecigs to try. The Board stated that they have concerns relative to the ecigs since they are not regulated thru the FDA. The Board does agree with Mr. Gibbes that it may help people cut down on smoking, however there is no evidence that shows it is safer to inhale than a cigarette. Mr. Gibbes stated that he is allowed to sample his product in North Attleboro, and that an ecig has a changeable top so that it is cost effective. The Board explained that sampling is not allowed in the Smoking in the Workplace and Public Places Regulations. Mr. Gibbes distributed some articles to the Board relative to the ecigs for their perusal. In addition Mr. Gibbes explained a little about the ecig and ingredients which are made in China. Mr. Gibbes further stated that people are now making their own ejuice to put in their ecigs for flavoring.

Wendy Henderson, Director of Public Health at Mr. Gibbes urging, informed the Board that she would contact Attleboro Tobacco Program and determine their sampling allowance conditions of this product and gather some guidance on this matter. In addition, the Board informed Mr. Gibbes that he could request a variance from the regulations if he liked.

Therefore at this time, the Board will not allow the sampling of these ecigs. The Board thanked Mr. Gibbes and Mr. Harrington for coming.

At 8:55 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 8:55 p.m.

Respectfully submitted,

*Patti S. DeMello*

Patti S. DeMello  
Administrative Clerk



**7:00 P.M. COMMENCE MEETING**

Minutes of the Meeting of July 18, 2013

**Old Business:**

- A. State Road Cement Block/Plat 164, Lot 46, #656 State Road – Dust Complaint – 7/21/2010
- B. Cecil Smith Landfill Capping and Closure – Plat 72, Lot 6 Old Fall River Road – Proposal 02/06/2013
- C. Compost Situations & Complaints 02/06/2013  
Wilfred Francis/Plat 37, Lot 36 Fisher Road  
Wilfred Francis/Plat 37, Lot 27 Fisher Road
- D. Dartmouth Hotel, Motel & Guest Cabins Regulation/Draft –1/9/2013  
Police Chief and Fire Chief Comments
- E. Adelino Cordeiro/Plat 138, Lot 182 Gorham Street – Animal Complaint – 10/4/13
- F. School Nurses Concerns Relative to Public Health – 06/20/2013
- G. Dartmouth Shelter Planning – 06/20/2013
- H. Dartmouth Supplemental Regulation Update – 12/7/2011  
Coastal Bank Setback  
15.290 Shared System  
D-Box  
Aquifer Requirement from Zoning By-Law

**New Business:**

- A. Smoking in the Workplace & Public Places – Proposed Regulation Changes
- B. Wendy W. Henderson – Director Report
- C. Temporary Food Service Fees
- D. Complaint:  
Copy of Complaint Log from July 14, 2013 to August 2013
- E. Beach Test Results for July 23, 30 & August 6, 13, 20, 27 & 28, 2013
- F. Septic Plans:  
A & I Properties/Plat 59, Lot 7 (Sub 9) Arvey Street  
Al Peters/Plat 29, Lot 59-10, 2 Mystic Drive
- G. MA D.P.H. – Immunization Program – Final Influenza Vaccine Allocation
- H. Memo from Select Board Regarding Open Space & Recreation Committee Appointment
- I. West Nile Virus/EEE – Notification from MA D.P.H. – Positive Mosquito Sample in Dartmouth
- J. MA D.P.H. Announces 1<sup>st</sup> Case of WNV
- K. Memo from Board of Appeals – Election of Board Officers and Appointment to Plan Approval Authority
- L. MA D.P.H. – Together We're Ready – Massachusetts Emergency Preparedness Month
- M. MSPCA – Angell – Nomination for Animal Control Officer of the Year
- N. Animal Control Staffing Discussion
- O. MA Emergency Management Agency – The Impact of Hurricanes on Inland Locations  
Ronald J. Fontes/Plat 145, Lot 22, 105 Stephen Street – 10 Chickens & 3 Rabbits
- P. MA Water Pollution Abatement Trust – Changes to Community Septic Management Program
- Q. Community Nurse & Hospice Care/Public Health Statistics – June & July 2013
- R. Draft RFP for Public Health Nursing Services/Bullard Center Lease
- S. Discussion for Any Item Not Known 48 Hours in Advance
- T. Board Signatures

**Appointments:**

- 7:15 p.m. Armand Fernandes Representing Antonio F. Morais and Kathleen F. St. Pierre, Owners of Plat 138, Lot 141, 83 Potter Street – Minimum Housing
- 7:30 p.m. Dorsey Gibbes, Owner – ECE-CT LLC dba Electronic Cigarette Emporium – Request to Allow Sampling of E Cigarettes at the Dartmouth Mall

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