

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

Approved  
Board of Health  
Meeting  
11/13/2013

RECEIVED  
2013 NOV 20 AM 10:00  
DARTMOUTH TOWN CLERK

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 October 2, 2013 were accepted as corrected by Thomas W. Hardman, Leslie E.J. McKinley and Lynne Brodeur.

RE: State Road Cement Block (SRCB)/Plat 164, Lot 46, 656 State Road - Dust Complaint - 7/21/2010 - The Board perused a memo from Health and Sanitary Inspector Christopher Michaud relative to SRCB as follows:

- 10/2/13 Complaint from Mr. John Wheaton of 14 Connecticut Avenue that sand is on his patio table. Christopher Michaud went to State Road Cement Block (SRCB) and spoke with Paul Bono. Paul Bono said the roof was cleaned yesterday. The watering system was not running at that time. The areas prone to creating dust were dry and sand was accumulated. Mr. Michaud advised Mr. Bono to start the sprinklers, to keep them on until damp. Mr. Michaud then went over to the Wheaton residence and observed sand on the patio table. The sand grain size and color was consistent with the material used at SRCB.
- 10/4/13 Mr. Michaud observed the sprinklers running at 8:00 am.
- 10/9/13 Complaint from Mr. Wheaton at 12:13 pm that a cloud of dust blew through his yard from SRCB. Prior to returning to the office that day, Mr. Michaud noticed that the sprinklers were not running at SRCB (12:30 pm). Wind direction was East / Northeast. Mr. Michaud called and advised the clerk at SRCB to turn the sprinklers on.
- 10/11/13 Sprinklers not running at 8:00 am.
- 10/11/13 Complaint received at 11:00 am from Mr. Wheaton regarding dust at his property from SRCB and their failure to water to abate the dry conditions. Mr. Michaud went to SRCB at 11:45 and the sprinklers were not running. A bulk delivery truck was parked on the hose and was unloading. The sand on the ground was dry and dust was observed as vehicles traveled through the accumulated sand piles in the driving areas. Conversation with Paul Bono was attempted but unsuccessful. He refused to listen to the fact that wind direction is impacted by trees and buildings. He did not offer any time for advice since he sped away on his fork lift when his opinions were countered. His last words were "just shut me down." Richard Bono was advised of the conditions and told to turn the sprinklers on. At the Wheaton residence sand was observed on the patio table and once again the material resembled the aggregate used at SRCB.

In Mr. Michaud's report he stated areas for improvement exist at SRCB that would be simple and show a good faith effort on behalf of the SRCB in addressing the matter. Material bins should be covered when not in use as Mr. Michaud cannot recall

## Board of Health Meeting 06 November 2013

ever having observed the tarps pulled over in the last year. While spilled sand is cleaned off the roof, sand is left to accumulate in the driving areas to be kicked up by vehicles. The watering system should be on timers to allow for dust control when SRCB is not open. Dust control measures should be considered along the conveyor from the loading process to the return of the belt. Cleaning the roof is fine, but why or how is the sand getting there in the first place. On windy days as the sand accumulates on the roof and it certainly is possible for it to travel to adjacent sites.

In the past non-criminal citations have been issued to SRCB for failure to address the conditions on their property that led to off-site nuisances. Given the lack of preventative watering, accumulation of sand piles in driving areas, uncovered aggregate bins when not in use, failure to listen and cooperate with Mr. Michaud on addressing the matter and not taking additional measures to assure their business does not impact the neighbors, in consideration of the aforementioned conditions and observations at the Wheaton's residence the issuance of a non-criminal citation should be considered for 10/2/13 and 10/11/13.

The Board discussed the recent complaints relative to air quality emissions at SRCB. Inspections by Health and Sanitary Inspector, Christopher Michaud revealed SRCB's failure to take preventative measures to control dust emissions by wetting areas prone to sand accumulation as needed and removal of all tracked or spilled sand outside of the storage bins. In addition, the Board noted that on April 18<sup>th</sup> of this year, the office sent a reminder letter to address air quality issues at the facility. It is imperative that SRCB keep areas wet that are prone to accumulating spilled or tracked sand and to remove sand from non-storage areas to prevent sand from affecting abutting properties.

Therefore, with Lynne Brodeur motioning and Leslie E.J. McKinley seconding, it was the decision of the Board that State Road Cement Block, Inc. must devise a plan to prevent dust from migrating onto the abutting properties on a 24 hour basis seven days a week. The plan must address the procedure, times, and areas to be treated. The plan must be submitted in writing to the Board of Health office within fourteen (14) days of receipt of the notice. Dust from the operation may not radiate offsite at any time in accordance with 310 CMR 7.09(3) and the Dartmouth Air Quality Regulations. It is SRCB's responsibility to maintain compliance at all times.

Attached to the order will be a non-criminal citation in the amount of \$300 for failure to comply with 310 CMR 7.09 of the Air Pollution Control Regulations.

In a related matter, Delores Wheaton of 14 Connecticut Avenue informed Christopher Michaud that the catwalk on the roof, in addition to the roof underneath the catwalk is not safe for employees and that OSHA should be contacted. Mr. Michaud informed Mrs. Wheaton that an employee would need to contact OSHA. Mrs. Wheaton told Mr. Michaud that she would like the Board to be aware of the situation. The Board discussed this matter and agreed with Mr. Michaud's determination, that an employee must call OSHA if they feel conditions are unsafe.

At 7:20 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.

RE: Cecil Smith Landfill Capping and Closure/Plat 72, Lot 6 Old Fall River Road - 02/06/2013 - The Board perused a letter to DEP from the Select Board relative to concerns about the Cecil Smith Landfill. In addition, the Board perused an article

## Board of Health Meeting 06 November 2013

from the Standard Times regarding Dartmouth residents who went to DEP in Boston to speak with DEP Commissioner relative to the landfill. The Board also perused an email from Colleen Noseworthy relative to the status of the letter sent from Town Counsel to DEP.

In a related matter, Wendy Henderson, Director of Public Health copied the Noisome Trade Statute for the Board under Massachusetts General Laws, Chapter 111 Section 143. No trade or employment which may result in a nuisance or be harmful to the inhabitants, injurious to their estates, dangerous to the public health, or may be attended by noisome and injurious odors shall be established in a city or town except in such a location as may be assigned by the board of health thereof after a public hearing has been held thereon, subject to the provisions of chapter forty A and such board of health may prohibit the exercise thereof within the limits of the city or town or in places not so assigned, in any event. Such assignments shall be entered in the records of the city or town, and may be revoked when the board shall think proper.

The Department of Environmental Protection shall advise, upon request, the board of health of a city or town previous to the assignment of places for the exercise of any trade or employment referred to in this section, and any person, including persons in control of any public land, aggrieved by the action of the board of health in assigning certain places for the exercise of any trade or employment referred to in this section may, within sixty days, appeal from the assignment of the board of health to the department and said department may, after a hearing rescind, modify or amend such assignment.

Notwithstanding any provision in section one hundred and twenty-five A of this chapter, this section shall apply to the operations of piggeries.

Therefore, with the aforementioned said, Ms. Henderson stated that it may be appropriate for the Board to have a preliminary discussion as to the kinds of issues the Board of Health may need to address if DEP grants a permit to cap the Smith landfill. Such concerns includes trucking hours - school bus safety, noise - required back up beepers - hours of operation, contaminate levels and compounds - aquifer, asbestos/ airborne issues, independent town employed operations monitor, increased soil testing frequency /no co-mingling of samples, on site random sampling of incoming loads, dust suppression - preventative.

The Board discussed the aforementioned and agreed with Ms. Henderson's comments and had no others to include.

RE: Compost Situations & Complaints/Wilfred Francis Plat 37, Lots 36 & 27 Fisher Road - 02/06/2013 - The Board perused the draft letter which will be sent to DEP and the Department of Agricultural Resources relative to organic composting. The letter included that the Dartmouth Board of Health has been consistently supportive of solid waste reduction measures in the Commonwealth. With the upcoming organics landfill bans we join DEP in anticipation of an increase in the organics composting. Given Dartmouth's rural land areas Dartmouth is becoming a host to a burgeoning compost industry.

It has recently become increasingly time consuming and frustrating to deal with the organics composting issues, with the existing regulatory tools. As a community with large tracts of land, appropriate for conscientiously managed large scale organics composting, and in close proximity to numerous fish, fruit and vegetable waste

## Board of Health Meeting 06 November 2013

producers we currently have a number of composting facilities, some registered, and some not.

The Board of Health has been responding to odor complaints in the vicinity of two of these facilities for over a year. One of these, a registered facility, has been cooperative and allows us on their property when we ask permission. Another much smaller scale unregistered, abutting facility, has not been so cooperative in allowing inspections when we arrive to investigate a complaint. There is no provision for local Board of Health access afforded in DEP's current regulations, however DEP has asked us to investigate and report our findings to them. The Board of Health have found the unregistered operator that does not grant immediate access and makes arrangements for a visit days later is generally in pretty good shape when staff arrive and there are no or minimal odors and no odor complaints at the time. Thus making investigation is of minimal effectiveness with access restrictions.

Therefore, if DEP requests the Board of Health's continued cooperation, than the Board suggests that DEP require compost facilities to grant access to designated representatives of local Boards of Health during normal working hours. The Board understand there is a reluctance of the farm composters to grant Boards of Health access, however if DEP expect the Board of Health to provide the department with inspectional assistance of any value it must have the tools necessary to effectively investigate.

RE: Dartmouth Motel & Guest Cabins Regulation – Draft – 01/09/2013 – A memo to the Board from Wendy Henderson, Director of Public Health relative to inspection time frame. Town Counsel suggested inspection in the month of November before the permits expire and a renewal application is considered. Concerns were that this may not be able to be done by the Inspectors in such a little amount of time due to other commitments.

Therefore, with Leslie E.J. McKinley motioning and Lynne Brodeur seconding, it was the unanimous decision of the Board for inspections of guest establishments to be done within four months of expiration. Reinspections will require additional fees.

In addition, the Board perused a draft copy of the Guest Establishment regulations. A public hearing will be held on November 18, 2013 at 7:15 p.m. to make necessary changes and approve the regulations.

RE: Adelino Cordeiro/Plat 138, Lot 182 Gorham Street – Animal Complaint – 10/04/12 – Wendy Henderson, Director of Public Health informed the Board that no new information has been received by Conservation Commission. The Board discussed this matter and felt that enough time has gone on – over one year, in addition, Mr. Tomé came into the Board of Health and informed the staff that he would not be responsible for Mr. Cordeiro's animals in case of an emergency. Therefore with Lynne Brodeur motioning and Leslie E.J. McKinley seconding, it was the unanimous decision of the Board to send notice to Mr. Cordeiro to remove all animals from the property within fourteen days of order.

RE: School Nurses Concerns Relative to Public Health – 06/20/2013 – Leslie McKinley informed the Board that she was informed that all the schools have nurses, however there is not a Lead Nurse. Wendy Henderson, Director of Public Health stated that she will contact Mr. Kiely to find out how that is going.

**Board of Health Meeting 06 November 2013**

RE: Dartmouth Shelter Planning – 06/20/2013 – Wendy W. Henderson, Director of Public Health informed the Board that since Community Nurse and Hospice Care are not bidding on the contract, there is no new information.

RE: Earth Filling by-Law – 10/02/2013 – A request for Town Counsel services to draft a by-law for earth filling including definition for contaminated soil and enforcement by the Board of Health was perused by the Board. No response has been received to date.

RE: Smoking in the Workplace & Public Places Regulation 09/04/2013 – The Board perused an article from the Taunton Daily Gazette relative to E-Cigarettes being regulated as traditional tobacco products. The article was written by Martha Coakley and Peter Kilmartin, Attorney Generals for Massachusetts and Rhode Island.

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

Wendy Bixby Cowie Trustee/Plat 88, Lot 7, 90 Naushon Avenue – Remedial Use Approval – The Board discussed the aforementioned septic plans and pursuant to the provisions of 310 CMR 15.000, Title 5, with Leslie E. J. McKinley motioning and Lynne Brodeur seconding, the Board of Health voted unanimously to approve the aforementioned plans with the following stipulation:

So long as said property shall not be connected to the Town of Dartmouth public sewer system, no building located on the property may have more than 5 bedrooms in total, and no increase in design flow without the prior written consent of the Board of Health of the Town of Dartmouth

Robert Anderson & Margaret Hand/Plat 23, Lot 58, 160 Horseneck Road – Variance - The Board discussed the aforementioned septic plans and pursuant to the provisions of 310 CMR 15.000, Title 5 and Dartmouth Supplemental Regulations to Title 5, with Leslie E. J. McKinley motioning and Lynne Brodeur seconding, the Board of Health voted unanimously to approve the aforementioned plans with the following waiver:

<u>Section</u>	<u>Waiver</u>
15.211	Minimum setback distance of 52 feet from soil absorption system to a coastal bank. 100 feet required.

David Fitzpatrick/Plat 24, Lot 60, 302 Rock O Dundee Road – Effluent Filter - The Board discussed the aforementioned septic plans and pursuant to the provisions of 310 CMR 15.000, Title 5, with Leslie E. J. McKinley motioning and Lynne Brodeur 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 in accordance with the general use approved for effluent tee filter.

Deborah Bozak/Plat 101, Lot 5, 674 Smith Neck Road – Remedial Use Approval- The Board discussed the aforementioned septic plans and pursuant to the

## Board of Health Meeting 06 November 2013

provisions of 310 CMR 15.000, Title 5, with Leslie E. J. McKinley motioning and Lynne Brodeur seconding, the Board of Health voted unanimously to approve the aforementioned plans with the following stipulation:

So long as said property shall not be connected to the Town of Dartmouth public sewer system, no building located on the property may have more than 3 bedrooms in total, and no increase in design flow without the prior written consent of the Board of Health of the Town of Dartmouth

Lewis & Cecilia Ross/Plat 95, Lot 5-2 (7) Featherbed Lane – Effluent Filter - The Board discussed the aforementioned septic plans and pursuant to the provisions of 310 CMR 15.000, Title 5, with Leslie E. J. McKinley motioning and Lynne Brodeur 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 in accordance with the general use approved for effluent tee filter.

Jeffrey Collins/Plat 88, Lot 51, 73 Naushon Avenue – Waiver - The Board discussed the aforementioned septic plans and pursuant to the provisions of 310 CMR 15.000, Title 5, with Leslie E. J. McKinley motioning and Lynne Brodeur seconding, the Board of Health voted unanimously to approve the aforementioned plans with the following waiver:

Section        Waiver

15.212        Minimum vertical separation of 3.2' between the bottom of the soil absorption system and the estimated seasonal high groundwater elevation. 4' required.

A Grant of Restrictive Covenant limiting the home to six 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.

David Drohan/Plat 42, Lot 45, 330 Chase Road – Deed Restriction – Aquifer Zone 2 - The Board discussed the aforementioned septic plans and pursuant to the provisions of 310 CMR 15.000, Title 5, with Leslie E. J. McKinley motioning and Lynne Brodeur seconding, the Board of Health voted unanimously to approve the aforementioned plans with the following stipulation:

- The residence is a two bedroom dwelling and due to inadequate lot area in Aquifer Zone 2 – a Grant of Restrictive Covenant limiting the dwelling to two bedrooms must be recorded at the Bristol County Registry of Deeds and returned to this office prior to release of the Subsurface Sewage Disposal Plans.

Theresa Sowle L.E./Plat 23, Lot 52, 126 Horseneck Road – Waiver - The Board discussed the aforementioned septic plans and pursuant to the provisions of 310 CMR 15.000, Title 5, with Leslie E. J. McKinley motioning and Lynne Brodeur seconding,

## Board of Health Meeting 06 November 2013

the Board of Health voted unanimously to approve the aforementioned plans with the following waiver and stipulation:

Section	Waiver
15.211	Minimum setback distance of 8' from the soil absorption system to shed. 10' required.

The residence is a three bedroom dwelling and was designed without a reserve area and provides for a design flow of 452 gallons per day. So long as said property shall not be connected to the Town of Dartmouth public sewer system, no building located on the property may have more than 3 bedrooms in total, and no increase in design flow without the prior written consent of the Board of Health of the Town of Dartmouth.

RE: Fee Schedule – The Board received a corrected copy of the fee schedule. No action required.

RE: Dartmouth Shell/831 State Road – Non-Criminal Citation – Tobacco Sale – The Board perused a letter from Nicolas Charest, Board of Health Agent for Tobacco Control to Riad Khoury relative to a violation of Section V of the Board of Health Tobacco Control Regulations affecting Youth Access to Tobacco Products and Nicotine Delivery Products. As Mr. Khoury received a warning letter from FDA on August 23, 2012 and on October 03, 2013 again sold to a minor, therefore a non-criminal citation was issued in the amount of \$100.00 payable within twenty one days. No action required by the Board.

RE: Wendy W. Henderson – Director's Report – The Board perused the Director's Report from October 06 to October 30, 2013 in which Ms. Henderson detailed issues that she has been working on including Cecil Smith landfill, Copicut Farm expansion, 47 Rockland Street – Quarantined per order of the Board of Health, which was not posted by the Board of Health, update on the ACO vans, MHOA conference, ACO Assistant Officer discussion with David Cressman for more hours, emergency preparedness, GIS, Healthy Dining in Dartmouth, Flu Clinics, MRC moving to Dartmouth, permit renewal, tobacco compliance checks, Open Space and Recreation Plan.

RE: Janice Young – Inspector Report – The Board perused the Inspector's Report from October 4th to November 01, 2013. Ms. Young has been inspecting food service establishments, minimum housings and at the MHOA conference on the Cape.

RE: Christopher Michaud – Inspector Report – Mr. Michaud's report was relative to SRCB which was discussed earlier.

RE: Nomination of Animal Inspector – Wendy Henderson, Director of Public Health informed the Board Catherine Perry needs to be nominated for Animal Inspector in order to do Barn Book Inspections. Therefore, with Lynne Brodeur motioning and Leslie E.J. McKinley seconding, it was the unanimous decision to nominate Catherine Perry as Animal Inspector for Dartmouth.

RE: Complaint Log –August 27, 2013 to October 30, 2013 – The Board perused the copy of the complaint log from August 27, 2013 to October 30, 2013. No action required.

## Board of Health Meeting 06 November 2013

RE: Mary Mehri/Plat 1, Lot 5, 1176 Horseneck Road – Loose Chickens – A complaint was received and investigated by Sandra Gosselin, Animal Inspector relative to loose chickens roaming onto abutting property. Upon inspection, MS. Gosselin noted that the chickens were free roaming, no water in pans, chicken house was dirty and the laying boxes were bare.

The Board discussed this matter and would like to meet with Ms. Mehri to discuss conditions at her property. A letter to be sent requiring her to meet with the Board at its meeting of November 18, 2013 at 7:30 p.m. to discuss the conditions at her property.

RE: Paul Cadoret/Plat 179, Lot 6, 718 Reed Road – Wild Ducks - Due to a receipt of a complaint relative to ducks, Animal Inspector Stacy Rebelo inspected the property located at Plat 179, Lot 6, 718 Reed Road. At the time of the inspection, Mr. Cadoret was present. An Animal Permit is not needed as the ducks are wild and not owned by Mr. Cadoret. Inspection revealed shelters have constructed to accommodate the wild ducks during winter months and storms. The shelters are not cages and the ducks can roam free at any time. Mr. Cadoret informed Ms. Rebelo that he has tended these wild ducks for a long time and have become very fond of them. Mr. Cadoret also stated that he control the population of the ducks by destroying all eggs found on his property.

Ms. Rebelo mentioned to Mr. Cadoret concerns of the neighbors that the ducks are congregating on their docks and defecating which is making a mess of their docks. Mr. Cadoret informed Ms. Rebelo that he would assist in cleaning their docks and scaring the ducks off their properties if need be.

The Board of Health appreciates nurturing the ducks, however these are wild fowl and are able to fend for themselves. By Mr. Cadoret's constant care, he may have begun to tame the fowl leaving them susceptible to other wildlife and the elements. Therefore, he must avoid providing excessive feed that could attract rodents.

RE: Army Corp of Engineers/Notice of Final Environmental Impact Statement – South Coast Rail – The Board reviewed the public notice. No action required.

RE: Truman Casner & Martin Hall/Plat 95, Lot 7, 2 Mattarest Lane – Addition Request - The Board discussed the bathroom renovation building permit application at the aforementioned location. In accordance with the Dartmouth Board of Health building permit requirements, a recent septic system pumping was required. Upon pumping of the system it was noted on the septic system report that the liquid level in the cesspool was over the inlet pipe.

The Board noted that due to the surcharge in the cesspool over the inlet pipe, it is the determination of this Board that the cesspool at 2 Mattarest Lane fails in accordance with 310 CMR 15.303(1)(a)4.

Therefore, with Lynne Brodeur motioning and Leslie E.J. McKinley seconding, it was the unanimous decision of the Board to order Mr. Casner and Mr. Hall to make arrangements to repair the septic system within two (2) years of the date of notice. During such period, pursuant to 310 CMR 15.305 (3), Mr. Casner and Mr. Hall must pump the system as often as necessary to ensure that there is no backup or direct discharge of sewage or effluent to buildings, surface of the ground, or surface waters.



## Board of Health Meeting 06 November 2013

RE: Rental Inspections Regulation – Wareham – The Board perused an article from the Wareham Courier relative to rental property regulations that require landlords to register with the town and pay for annual inspections to ensure that rental property is in compliance with 105 CMR 410.000 State Sanitary Code for Minimum Housing. Wendy Henderson, Director of Public Health felt there were a lot of issues that needed to be addressed and liability that the town could incur. FYI

RE: DEP – Manganese in Drinking Water – A letter was perused by the Board from DEP relative to a new outreach initiative designed to raise awareness regarding manganese in drinking water. A Manganese Fact sheet was also included. FYI

RE: Community Nurse and Hospice Care/Public Health Statistics – September 2013 – The Board perused the September 2013 statistics received by the Community Nurse & Hospice Care.

RE: Community Nurse & Hospice Care/Stetson Family Trust/ Quarterly Payment Ending September 30, 2013 – The Board perused the free care visits billed by the Community Nurse & Hospice Care from the Stetson Family Trust. The total amount of reported free care for Dartmouth is \$49,246.38 in which they requested \$5,282.50 from the Stetson Family Trust that is the amount of the quarterly income.

RE: Resignation Letter – Patti DeMello – The Board perused the letter from Administrative Clerk Patti DeMello relative to her resignation from the Board of Health effective January 04, 2014. Wendy Henderson, Director of Public Health informed the Board that the position has been posted.

RE: Animal Permit Application – The following application for an Animal Permit was reviewed by the Animal Inspector. Abutters were notified and comments were received.

David M. Saluto/Plat 65, Lot 53, 1200 Old Fall River Road – Amendment to Keep 29 Chickens & 1 Turkey (30 Fowl Total) - The Board discussed the request for an amendment to Mr. Saluto's Animal Permit. Mr. Saluto requested an amendment to his Animal Permit for 30 fowl total (29 chickens and 1 turkey). Currently he is permitted for 30 chickens.

The Board discussed the aforementioned and with Leslie E.J. McKinley motioning and Lynne Brodeur seconding, it was the unanimous decision of the Board to approve the amendment to Mr. Saluto's Animal Permit for 30 Fowl (29 chickens and 1 turkey). The Board noted that If complaints are filed and substantiated relative to Mr. Saluto's chickens and turkey, further action will be taken by the Board which may include removal of all fowl. In addition, the fowl must be kept on his property and not allowed to free roam. The Board suggested Mr. Saluto work with neighbors as to resolve any other concerns they have.

RE: Discussion of any item not know 48 hours in advance- Wendy Henderson, Director of Public Health informed the Board that Christopher Michaud and herself would like to charge for dumpsters in Town. This would change fees for Solid Waste Haulers and may provide additional revenue to the Town. Ms. Henderson, will provide additional information to enact this for FY2015.

RE: Board Signatures – The Board signed the three personnel sheets and a bill from the Stetson Family Trust to the Community Nurses in the amount of \$5,282.50.

## Board of Health Meeting 06 November 2013

Ronald J. Fontes/Plat 145, Lot 22, 105 Stephen Street – 10 Chickens & 3 Rabbits – A public hearing was held relative to this request for an Animal Permit. Mr. Ronald Fontes and David Bouchard met with the Board. No abutters were present. The Board discussed the request for an Animal Permit. Mr. Fontes requested an Animal Permit for 10 Chickens and 3 Rabbits.

The Board discussed the aforementioned and with Leslie E.J. McKinley motioning and Lynne Brodeur seconding, it was the unanimous decision of the Board to approve the Animal Permit for the following: 10 Chickens and 3 Rabbits. In addition, the Board would also like to remind Mr. Fontes to work with his neighbors with any issues they may have relative to his animals.

Thomas W. Hardman motioned to reconvene the regular Board of Health meeting and Leslie E. J. McKinley seconded at 7:55 p.m. Roll call vote – Lynne Brodeur – yes, Thomas Hardman - yes, Leslie E. J. McKinley – yes.

RE: Armand Fernandes Representing Antonio F. Morais and Kathleen F. St. Pierre, Owners of Plat 38, Lot 141, 83 Potter Street – Minimum Housing – Attorney Fernandes along with Kathleen St. Pierre, owner met with the Board to discuss the minimum housing violations at the aforementioned location. Attorney Fernandes stated that the Building Code conflicts with 105 CMR 410.000 Minimum Standards of Fitness for Human Habitation and should supersede the regulations. The Board informed Attorney Fernandes that they are aware of the regulations; however the Board of Health must act in the benefit of public health. In addition Attorney Fernandes wanted the order vacated.

The Board discussed the aforementioned and with Leslie E. J. McKinley motioning and Lynne Brodeur seconding, voted unanimously that the order sent to Attorney Fernandes clients on August 08, 2013 stays as written. The order will not be changed or removed. This office is aware that the dwelling is now vacant. Renting an apartment with code violations is a violation of the consumer protection act. To that end, the Board advised Attorney Fernandes that if the residence at 83 Potter Street is occupied prior to the violations being corrected and verified by the office staff, than a non-criminal fine in the amount of \$50.00 per day per violation will result in accordance with the Dartmouth Housing Code and in accordance with the State Sanitary Code 105 CMR 410.000 other legal action may ensue.

RE: Ana Marques/Coastline Elderly – 4C (Community Continuum Collaborative) – Ms. Marques was unable to attend the meeting. She will reschedule at a later date.

RE: Ekapoom Mera, Owner/Thai Taste/634G State Road – Good Retail Practices – Mr. Ekapoom Mera met with the Board to discuss the unsanitary conditions at Thai Taste. The Board reviewed numerous inspection reports and the same repeat housekeeping violations were found to be in existence. The office staff has also received consumer complaints about the unsanitary conditions. Mr. Mera claims that deep cleaning is done weekly and he guarantees that everything that the food touches is clean. Mr. Mera claims there is no cross contamination.

The Board discussed the unsanitary conditions and continued repeat violations at Thai Taste, located at 634G State Road, Dartmouth, MA. Therefore with Leslie E.J. McKinley motioning and Lynne Brodeur seconding, the Board voted unanimously under the terms of the 1999 Food Code 8-404.11 and 105 CMR 590.054, and

**Board of Health Meeting 06 November 2013**

pursuant to M.G.L. Chapter 111, Section 30, to close Thai Taste until November 14, 2013 - a minimum of seven days and all violations have been corrected and until such time that a representative of the Board of Health has re-inspected the premises and has determined that health hazards, no longer exist. In addition, all non-criminal citations due must be paid prior to reinspection.

At 9:55 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 9:55 p.m.

Respectfully submitted,

Patti S. DeMello  
Administrative Clerk

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

Minutes of the Meeting of October 02, 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 – 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
- 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. Earth Filling By-Law – 10/02/2013
- I. E-Cigs – 9/4/2013

**New Business:**

- A. Septic Plans  
Wendy Bixby Cowie Trustee/Plat 88, Lot 7, 90 Naushon Avenue – Remedial Use Approval  
Robert Anderson & Margaret Hand/Plat 23, Lot 58, 160 Horseneck Road – Variance  
David Fitzpatrick/Plat 24, Lot 60, 302 Rock O Dundee Road – Effluent Filter  
Deborah Bozak/Plat 101, Lot 5, 674 Smith Neck Road – Remedial Use Approval  
Lewis & Cecilia Ross/Plat 95, Lot 5-2 (7) Featherbed Lane – Effluent Filter  
Jeffrey Collins/Plat 88, Lot 51, 73 Naushon Avenue – Waiver  
David Drohan/Plat 42, Lot 45, 330 Chase Road – Deed Restriction – Aquifer Zone 2  
Theresa Sowle L.E./Plat 23, Lot 52, 126 Horseneck Road - Waiver
- B. Fee Schedule (FYI)
- C. Dartmouth Shell/831 State Road – Non Criminal Citation – Tobacco Sale
- D. Wendy W. Henderson – Director Report
- E. Janice Young – Inspector Report
- F. Christopher Michaud – Inspector Report
- G. Nomination of Animal Inspector - Assistant Animal Control Officer
- H. Complaint:  
Copy of Complaint Log from August 27, 2013 to October 30, 2013  
Mary Mehri/Plat 1, Lot 5, 1176 Horseneck Road – Loose Chickens  
Paul Cadoret/Plat 179, Lot 6, 718 Reed Road - Ducks
- I. Army Corp of Engineers/Notice of Final Environmental Impact Statement – South Coast Rail
- J. Truman Casner & Martin Hall/Plat 95, Lot 7, 2 Mattarest Lane – Addition Request
- K. Rental Inspection Regulations - Wareham
- L. DEP – Manganese in Drinking Water
- M. Community Nurse & Hospice Care/Public Health Statistics – September 2013
- N. Community Nurse & Hospice Care/Quarterly Bill for Stetson Trust
- O. Resignation Letter – Patti DeMello
- P. Animal Permit Application  
David M. Saluto/Plat 65, Lot 53, 1200 Old Fall River Road – Amendment to Keep 29  
Chickens & 1 Turkey (Total Fowl)
- Q. Discussion for Any Item Not Known 48 Hours in Advance
- R. Board Signatures

**Appointments:**

- 7:15 p.m. Ronald J. Fontes/Plat 145, Lot 22, 105 Stephen Street – 10 Chickens & 3 Rabbits
- 7:30 p.m. Armand Fernandes Representing Antonio F. Morais and Kathleen F. St. Pierre, Owners  
of Plat 138, Lot 141, 83 Potter Street – Minimum Housing
- 7:45 p.m. Ana Marques/Coastline Elderly – 4C (Community Continuum Collaborative)
- 8:00 p.m. Ekapoom Mera, Owner/Thai Taste/634G State Road – Good Retail Practices

**Executive Session:**

- 7:05 p.m. Anthony Savastano – Town Counsel – Nursing Services & Stetson Family Trust