

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

Approved
BOH Meeting
12/11/2013

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 November 06, 2013 were accepted as corrected by Thomas W. Hardman, Leslie E.J. McKinley and Lynne Brodeur.

The Minutes of the Executive Meeting of November 06, 2013 were accepted as corrected by Thomas W. Hardman, Leslie E.J. McKinley and Lynne Brodeur. As this is pending litigation, minutes not to be released.

RE: State Road Cement Block (SRCB)/Plat 164, Lot 46, 656 State Road – Dust Complaint – 7/21/2010 – No new complaints have been received.

RE: Cecil Smith Landfill Capping and Closure/Plat 72, Lot 6 Old Fall River Road – 02/06/2013 – The Board perused a guest view from The Standard Times from David Howe of BEC. The Board also discussed an email from Gloria Bancroft that stated that the town has the ultimate decision to allow the capping of the landfill per Cleanwater Action. The Board did not feel this is the case.

RE: School Nurses Concerns Relative to Public Health – 06/20/2013 – Wendy Henderson, Director of Public Health informed the Board that Jim Kiely is acting as the School Wellness Coordinator at this time. Other than that, no new information has been received.

RE: Correction to Minutes of October 02, 2013 – Earth Filling/Fill By-Law – The Board perused the minutes of October 02, 2013 relative to the Earth Filling/Fill By-Law. Changes to the minutes of October 02, 2013 as follows:

The Board discussed this matter and it is the intent of the Board of Health to regulate earth fill quality coming into town. It is best governed by a regulation that oversees the type of fill that is acceptable through the Board of Health due to public health concerns. The Board of Health will pursue enacting a regulation to this extent. The filling is best regulated through a zoning by-law since it restricts land use therefore under the Soil Conservation Board enactment.

RE: Septic Plans – The following septic plan was reviewed by Health and Sanitary Christopher Michaud and approved by the Wendy W. Henderson, Director of Public Health.

Christopher Bottiglieri/Plat 19, Lots 6 & 7 Integrity Lane

RE: Complaint – Dumping Meat on Power Lines between UMass and Chase Road – The Board perused a complaint relative to dumping of packed rancid meat along the power line between UMass and Chase Road. Wendy Henderson, Director of Public Health went to the site and found garbage along with prepackaged meat on UMass property. Since there is a concern of attracting coyotes, Ms. Henderson contacted Emil Fioravanti, UMass Security. Mr. Fioravanti stated he would take care of the situation. Ms. Henderson then informed the Board that it was cleaned up.

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RE: Animal Permit Application – The following application for an Animal Permit was reviewed by the Animal Inspector. Abutters were notified and no comments were received. The Board also reviewed the recommendation of Animal Inspector, Sandra Gosselin limiting the amount of animals.

Gabriel Camara/Plat 65, Lot 39 & 51-1, 1174 Old Fall River Road – Amendment to Include 50 Chickens, 20 Rabbits including Babies, 4 Milk Cows, 27 Goats, 15 Kids and 130 Quail – The Board discussed a request for an amendment to Mr. Camara's Animal Permit. Mr. Camara requested an amendment to include the following: 50 Chickens, 20 Rabbits including babies, 4 Milk Cows, 27 Goats, 15 Kids and 130 Quail.

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: 50 Chickens, 9 Adult Rabbits with 2 Clutches a year limit, 130 Quail, 27 Goats and 15 Kids up to four (4) months & 1 Milk Cow. In addition the rabbits must be housed in single tier cages with rabbit boxes and separate male and females separated.

All animals not included in the aforementioned list must be removed from the property within thirty (30) days. In addition, Mr. Camara must move his compost pile farther away from the property line.

The Board would also want noted that Mr. Camara should work with his neighbors to address any issues they may have relative to his animals.

RE: Dumpster Fee Discussion – Wendy Henderson, Director of Public Health informed the Board that since it is permitting season regulation revisions, a new application and hearings would need be made and also informing all dumpster companies there is not enough time to implement for this permit period. Ms. Henderson felt that it should be enacted in 2014. The Board agreed.

RE: Pink Box Desserts – Waiver of Fee - The Board perused Tammy Greenspan, Owner of Pink Box Desserts request for a waiver relative to her business relocating and the requirement for an additional food service permit fee, as Pink Box already has a permit at their old location.

The Board discussed this matter, and based on the fact that Ms. Greenspan will be relocating during late November and renewing for the new business location prior to the deadline of December 2, 2013 for 2014, with Lynne Brodeur motioning and Leslie E.J. McKinley seconding, voted unanimously to waive the new establishment fee for the remainder of 2013.

RE: Dog Park – The Board perused a memo from Leonard Design Associates relative to budget and recommendations into creating an Off-Leash Recreation Area at the Dartmouth Park on Old Fall River Road. The proposed budget would be about \$410,000.00.

The Board discussed this matter, and had concerns relative to the cost whereas the town will not even fund more staff for Animal Control.

RE: Assistant Animal Control Officer Discussion – The Board perused a memo from Wendy Henderson, Director of Public Health to David Cressman, relative to the need for a full time Assistant Animal Control Officer. Ms. Henderson explained the need to have a full time Assistant Animal Control Officer including training, public relation, keen animal and owner handling skills which may be containing a vicious dog to calming an irate neighbor.

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The Board will now await the decision of the Select Board and Finance Committee.

RE: Discussion of any item not know 48 hours in advance- None

RE: Board Signatures – The Board signed the three personnel sheets

RE: Dartmouth Board of Health Guest Establishment Regulations – Draft – 01/09/2013 – A Public Hearing was held to consider adoption of Dartmouth Board of Health Guest Establishment Regulations. The purpose of the proposed regulation is to assure Guest Establishments are safe and sanitary. Legal Notice was posted in The Chronicle on November 13, 2013. Present for the hearing were Scott Wiesel and Sam Barot of Capri Motel, Ishvarlal Patel and Nirav Patel of Dartmouth Motor Inn and Monica McGowen of Residence Inn.

Thomas W. Hardman addressed the audience and explained how the proposed regulations came about. Mr. Hardman then allowed the audience to voice their concerns about the proposed Guest Establishment Regulations.

Scott Wiesel of Capri Motel addressed the Board about concerns relative to Section 8 – Occupancy Limitations. Mr. Wiesel questioned that if the owners are trying to remove guests that have overstayed and will not leave, will enforcement from the Board of Health be enacted. The Board explained provided that the owners are acting in good faith to remove the occupants, that it will be pursued by the staff. In addition, Section 15 – Personnel Health & Cleanliness – Mr. Wiesel also spoke relative to requiring sleeves to the elbow shirts. Mr. Wiesel claims that he cannot order such shirts. The Board agreed that the wording should be changed to state a sleeved shirt.

Nirav Patel of Dartmouth Motor Inn addressed the Board relative to his concerns with Section 8 – Occupancy Limitations. Mr. Patel stated that he has guests that are working on long term projects such as the dredging in New Bedford, Walmart – construction and that they do not want rooms meant for extended stays. Most of these workers are only there to sleep. In addition, Mr. Patel stated that he has some UMass students that have been removed from the dorms that stay in regular rooms for a few months, while finishing the school term.

The Board discussed this matter and agreed that if there is employment verification of a long term project in the area for out of town workers and UMass students with a meal plan there should be some kind of waiver for this.

In addition, Mr. Patel had concerns with the application process.

The Board then discussed that its main concern is that after thirty days a guest becomes a tenant and now is under the jurisdiction 105 CMR 410.000 Minimum Standards of Fitness for Human Habitation. Mr. Patel feels that there is liability if he makes someone leave his facility if they have been there for twenty eight days and have no other place to go and if that guest comes to harm's way when leaving.

Wendy W. Henderson, Director of Public Health also informed the audience that she has spoken to the Fire Chief and if guests are allowed to stay more than thirty days they are considered tenants and required to meet the Fire Code with sprinkler systems.

Mr. Scott Wiesel spoke again about existing tenants, appropriate action and request verbiage be changed relative to Section 8.

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Monica McGowen of Residence Inn addressed the Board relative to Section 10 – Guest Room Requirements – Ms. McGowen spoke of her concerns relative to infestation where it says that the owner must contact the Board of Health. Ms. McGowan questioned when they would contact the Board of Health, if it would be when a guest complained or verification from a professional. The Board stated it would be after verification from a professional and all that would need to be done is call the Board of Health and inform the office staff as such. Ms. McGowan also had concerns about open flame grills minimum distance. Wendy Henderson, Director of Public Health informed her that the open grill must now be a minimum of 12 feet.

Again Ms. Henderson explained that the application process is being revised and that no Motel/Hotel has received their notice to date. The usual application deadline of December 01, 2013 will be extended.

The Board discussed changes that need to be made with the Guest Establishment Regulations before adopting them, so, with Lynne Brodeur motioning and Leslie E.J. McKinley seconding, it was the unanimous decision of the Board to continue the Public Hearing until December 11, 2013 at 7:10 p.m.

RE: Helen Oliveira/Plat 169, Lot 41, 11 Robert Street – Minimum Housing – Helen Oliveira, Owner of 11 Robert Street requested a hearing relative to the minimum housing issues at the aforementioned address. The Inspectors noted that all violations have been corrected. Ms. Oliveira did not show for her requested hearing. Matter closed.

RE: Mary Mehri/Plat 1, Lot 5, 1176 Horseneck Road – Loose Chickens – A meeting was scheduled with Mary Mehri to discuss ongoing complaints relative to her chickens. Mary Mehri and her son were present. Also present at this time was Sandra Gosselin, Animal Inspector. The Board discussed the chickens free roaming onto abutting properties, the condition of the chicken coops and no grain or water for the chickens with Ms. Mehri. According to Ms. Mehri, she has cleaned up the coops and she feeds and waters her chickens every day. Ms. Mehri claims it is her neighbor's fault that the chickens keep getting onto his property because his fence is broken and she was not aware of her chickens on his property.

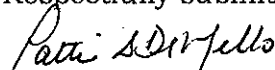
Thomas W. Hardman, Chair explained to Ms. Mehri that it is her responsibility to keep her chickens on her property; she needs to fix her fence so that this issue does not keep arising. In addition, she needs to continue to clean the coops and feed and water her chickens on a daily basis. Thomas W. Hardman stated the Board will not continue to tolerate issues like this on her property and if she wants to keep her chickens this problem must be resolved. Sandra Gosselin, Animal Inspector told Ms. Mehri that the fencing is inadequate.

The Board thanks Ms. Mehri for her time and once again reminded her to take care of the fencing issue –better than what it is.

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
Administrative Clerk

7:00 P.M. COMMENCE MEETING

Minutes of the Meeting of November 06, 2013

Minutes of the Executive Meeting of November 06, 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. School Nurses Concerns Relative to Public Health – 06/20/2013
- D. Correction to Minutes of October 02, 2013 Earth Filling/Fill By-Law

New Business:

- A. Septic Plans
Christopher Bottiglieri/Plat 19, Lots 6 & 7 Integrity Lane
- B. Complaint:
Dumping Meat on Power Lines between UMass & Chase Road
- C. Animal Permit Application
Gabriel Camara/Plat 65, Lots 39 & 51-1, 1174 Old Fall River Road – Amendment to Include
50 Chickens, 20 Rabbits including babies, 4 Milk Cows, 27 Goats, 15 Kids & 130 Quail
- D. Dumpster Fee Discussion
- E. Pink Box Desserts – Waiver of Fee
- F. Dog Park
- G. Assistant Animal Control Officer Discussion
- H. Discussion for Any Item Not Known 48 Hours in Advance
- I. Board Signatures

Appointments:

- 7:15 p.m. Dartmouth Board of Health Guest Establishment Regulations –1/9/2013
- 7:20 p.m. Helen Oliveira/Plat 169, Lot 41, 11 Robert Street – Minimum Housing
- 7:30 p.m. Mary Mehri/Plat 1, Lot 5, 1176 Horseneck Road – Loose Chickens