

**Town of Dartmouth
Board of Health
Minutes of the Meeting of
29 January 2014**

**Approved
2/12/2014**

RECEIVED

2/14/14 @ 9:00AM

The meeting notice was duly posted.

This meeting was called to order at 4:04 p.m.

DARTMOUTH TOWN CLERK

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

The Minutes of the meeting of January 08, 2014 were accepted as corrected by Thomas W. Hardman, and Lynne Brodeur.

Appointment 4:00 PM RE: David Cressman, Town Administrator - Assistant Animal Control Officer Discussion – David Cressman, Town Administrator addressed the Board about their letter inviting him to discuss the Assistant Animal Control Officer (AACO) position. Mr. Cressman expressed there is no money in the budget for a 35 hour/week AACO position, and feels the town could have the same issue with holidays not having coverage. Thomas W Hardman mentioned the number of staff the Board has hired for this position and the cost to the town for training and immunizing these individuals. Mr. Cressman discussed with the Board about regionalization, privatizing, and SRPEDD has worked on this but no other communities want to deal with the issue. Sandra Gosselin, Animal Control Officer commented the individual would need up-to-date training and questioned if the Police would be taking over ACO, and it's not just dog issues they would be dealing with. The Board addressed Ms. Gosselin's concern if she would continue to be the Animal Control Officer. The police would only be called out for the after hour emergencies. Discussion ensued about the possibility of utilizing Animal Control certified police officers to deal with emergency animal control issues during after hour shifts. Mr. Cressman suggested the Board of Health send him a letter about their discussion. Mr. Cressman would bring the letter to the Police Chief and Select Board, to initiate joint discussion.

Appointment 4:10 PM RE: Vincent Frary/Copicut Farms poultry processing facility - Plans- Vincent Frary addressed the Board about the poultry processing facility, and how they would like to expanded their customer base. Mr. Frary explained his goals are to increase food safety, cut-up birds to process into parts, manage wastewater, and increase the number of birds to process to 20, 000/year. Thomas W Hardman commented on the well. Wendy W Henderson, Director of Public Health hasn't heard back from Chuck Shurtleff. Mr. Hardman was concerned they may need a public water supply permit. Lynne Brodeur commented on the low profile tank and the process of how the chicken is processed. Mr. Frary gave a description of the wastewater collection and treatment, and gave a detailed description of the processing of the chicken. Discussion ensued about the trailer, cold treatment capacity, and receiving comments from the Director of Inspectional Services. Ms. Henderson mentioned Mr. Frary was going to get information about composting registration or exemption. Mr. Frary will get the Board this information from Massachusetts Department of Agricultural Resources or Massachusetts Department of Environmental Protection. Thomas W Hardman and Lynne Brodeur, noted they were impressed with the operation proposal.

With Lynne Brodeur motioning and Thomas W Hardman seconding, to allow Copicut Farm to expand their operation with the conditions that a letter from Paul

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Murphy, Director of Inspection Service and approval of the composting registration from DEP, and compliance with DEP guidance regarding the water supply.

Appointment 4:30PM RE: Joshua Genatossio/Body Art Practitioner Application-Joshua Genatossio addressed the Board with his Body Art portfolio. The Board perused Mr. Genatossio portfolio. Lynne Brodeur complimented Mr. Genatossio on being one of the few people to have received the HEP B vaccination. Mr. Genatossio stated at his previous place of employment this was a requirement. The Board inquired how Mr. Genatossio got started tattooing and was pleased with his application.

With Lynne Brodeur motioning and Thomas W Hardman seconding, it was an unanimous decision to allow Mr. Genatossio a permit to become a Body Art Practitioner in the Town of Dartmouth after he pays the permit fee, and has his first tattoo witnessed by Janice Young, Health and Sanitary Inspector and the Public Health Nurse.

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: Private Cemetery site approval - 12/11/2013- Thomas W Hardman, chair stated he would have to recuse himself because he is working for the Reis' family. Mr. Hardman stated the soil evaluation has been done, a site plan has been submitted and Attorney Bullard has applied for the variance with Zoning Board of Appeals. Wendy W. Henderson, Director of Public Health updated the Board there is a public hearing scheduled on the Reis' private cemetery on Wednesday, February 12, 2014 at 7PM.

RE: Brandon Woods - Bullard Center - proposal- Wendy Henderson, Director of Public Health informed the Board that Brandon Woods would like to be in the Bullard Center for March 1, 2014, but the Community Nurse and Hospice Care may not be to ready to move to their new quarters until March 30, 2014. Ms. Henderson spoke to David Cressman, Town Administrator about this situation with Brandon Woods. Mr. Cressman felt there may be room for negotiation.

RE: Cecil Smith Landfill Capping and Closure/Plat 72, Lot 6 Old Fall River Road - 02/06/2013 and Noisome Trade - MGL, Chapter 111, Section 143 - 12/11/2013 -Wendy W Henderson, Director of Public Health updated the Board on last weeks conference call with Town Counsel, and Dr. Heigher-Bernays. Dr. Heigher-Bernays was supposed to have submitted her proposal, but Ms. Henderson had not received anything to date. Ms. Henderson showed pictures a resident had forwarded to her of some standing water in the stream adjacent to the landfill. Discussion ensued regarding the standing water in the picture, which the Board thought might be iron bacteria. Ms. Henderson cited they have been taking animal shelter/shacks down. Ms. Henderson mentioned to the Board that there are still animals on the site, and DEP's Philip Weinberg, Regional Director feels the animals should be removed. Ms. Henderson questioned where it is established that it is the Board of Health responsibility to police the landfilled use. Lynne Brodeur and Thomas W Hardman both agree the animals should be removed. The Board advised Ms. Henderson to contact DEP to see if the animals should be removed. Ms. Henderson informed the Board that she will be meeting with Michael O'Reilly, Environmental Affairs Coordinator, Paul Murphy, Director of Inspectional Services and the Fire Department on site this Friday. Town Counsel, Anthony Savastano was present and addressed the Board he did receive a proposal, but it was more than what the Board of Health was looking for. Dr. Heigher-Bernays will be submitting a new proposal to Town Counsel.

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Town Counsel, Anthony Savastano asked if the Board would give permission to have the Director of Public Health and him to accept the proposal once it has been reviewed. Thomas W Hardman stated he would like to review the proposal as well. Town Counsel will forward proposal to the Board.

The Board discussed the matter further, with Lynne Brodeur motioning and Thomas W Hardman seconding, to allow Ms. Henderson, Director of Public Health and Town Counsel accept the proposal.

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

Truman Casner/Plat 75, Lot 7, 2 Mattarest Lane - Repair- Deed Restriction- The Board discussed the aforementioned septic plans and pursuant to the provisions of 310 CMR 15.000, Title 5, with Lynne Brodeur motioning to approve with 3.1' vertical separation between the bottom of the soil absorption system and the estimated seasonal high groundwater elevation proposed. 4' required. Thomas W Hardman seconding, the Board of Health voted unanimously to approve the aforementioned with a deed restriction limiting the home to five bedrooms.

Shane & Courtney Sousa/Plat 54, Lot 3, 307 Highland Avenue-Effluent Filter shown cleaning contract- The Board discussed the aforementioned septic plans and pursuant to the provisions of 310 CMR 15.000, Title 5, with Lynne Brodeur motioning and Thomas W Hardman 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.

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.

Kei Lau/Plat 23, Lot 26, 236 Gaffney Road - Repair-

RE: Complaint Log -January 1 through January 21, 2014 - The Board perused a copy of the complaint log for the aforementioned dates. No action required.

RE: Animal Permit Application Amendment - The following amendment application for an Animal Permit was received. Abutters were notified.

Meghan Hamiltten-Yallen/Plat 70, Lot 5 & 6, 46 Albro Avenue - Amendment for 15 Horses (14 Horses and 1 Pony) - This matter had been continued from the previous meeting because the Board was waiting on Animal Control's comments. Diane DeOliveira from 85 Albro Avenue addressed the Board about some concerns she has with the applicant's practices. The Board felt Ms. Hamiltten-Yallen should be present to address some of Ms. DeOliveira's concerns.

The board discussed the matter further, with Lynne Brodeur motioning and Thomas W Hardman seconding, to hold a public hearing in the matter of Meghan Hamiltten-Yallen's animal amendment request.

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RE: 842 Rock O'Dundee Road – addition- The Board perused Christopher Michaud Health and Sanitary Inspector's memo regarding the proposed addition at 842 Rock O'Dundee Road. Thomas W Hardman agreed with Mr. Michaud's findings.

The Board discussed the aforementioned and with Lynne Brodeur motioning and Thomas W Hardman seconding, the Board voted unanimously to approve the addition subject to designating an adequate reserve area on the plan and in compliance with current standards.

RE: Tobacco Control Compliance Checks- The board perused an email from Nicholas Charest, Tobacco Control Inspector in reference to compliance checks he had conducted for the Town of Dartmouth. There were four establishments that sold to minors, and Mr. Charest would be issuing citations. Lynne Brodeur expressed her disappointment in these establishments. Nothing further at this time.

RE: Planning Board Medical Marijuana Bylaw- Wendy W. Henderson, Director of Public Health addressed the Board about the Planning Board Medical Marijuana Bylaw. Ms. Henderson explained Town Counsel would like to see the Planning Board require a Special Permit for dispensaries. Town Counsel was not in favor of a "By Right" approach to this bylaw. Donald Perry, Planning Director is concerned the "By Right" bylaw would attract dispensaries. Anthony Savastano, Town Counsel was present and explained the by special permit process, but the plan is to rewrite the zoning bylaw. Thomas W Hardman doesn't see the Board of Health getting involved, but Lynne Brodeur disagreed with Mr. Hardman. Ms. Henderson explained the Planning Board would like to come up with something by fall town meeting. Furthermore, Ms. Henderson commented the Board of Health could adopt regulations to address the omissions in the special permit process.

RE: Consideration for not charging for design plan copies for septic system inspections- Wendy Henderson, Director of Public health informed the Board that this came to her attention from a Title V System Inspector who asked the Board to consider not charging \$5 for design plan copies when they do Title V inspections. Ms. Henderson feels this is a responsible request and can be absorbed into the ninety dollar review fee.

The Board discussed the aforementioned and with Lynne Brodeur motioning and Thomas W Hardman seconding, to waive the \$5 charge for the copying for Title V inspections.

RE: Dartmouth Board of Health Guest Establishment Regulation – revote after minor revisions- Wendy W. Henderson, Director of Public Health apprised the Board that after proofreading the regulations for one final time there were some minor revisions. Ms. Henderson gave the Board a list of the revisions and the Board deemed them to be deminimis changes.

The Board discussed the aforementioned and with Lynne Brodeur motioning and Thomas W Hardman seconding, the Board voted to approve the minor changes to the regulation "Dartmouth Board of Health Guest Establishment Regulations" as revised, effective January 1, 2015.

RE: "Is it time for a change in our town government" and "Selectmen seek public input on town government changes" –Articles The Chronicle - The Board perused the articles from The Chronicle regarding town government. No action required.

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RE: Community Nurse & Hospice Care/Stetson Family Trust - Quarterly billing- The Board perused the bill dated January 9, 2014 for services for October 1 through December 31, 2013. The Board then signed the bill for payment in the amount of \$11,498.50.

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

RE: Christopher Michaud and Janice Young - Inspector's Report - The Board perused the Inspector's Report from January 2014. No action taken at this time.

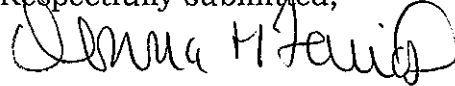
RE: Discussion of any item not known 48 hours in advance - None

RE: Board Signatures - The Board signed bill for Community Nurse & Hospice Care for dates of service for October 1 through December 31, 2013, in the amount of \$11,498.50.

At 5:40 p.m. Thomas W. Hardman, Chair entertained a motion to close the regular Board of Health Meeting. Roll call vote -Thomas Hardman - yes, Lynne Brodeur - yes.

With no further business to discuss, the Chair adjourned the meeting at 5:40 p.m.

Respectfully submitted,



Donna Farias
Administrative Clerk

