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Town of Dartmouth
Board of Health
Minutes of the Meeting of
12 February 2014

Approved
02/26/2014

~~DARTMOUTH TOWN CLERK~~ 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 January 29, 2014 were accepted as corrected by Thomas W. Hardman, and Lynne Brodeur with Leslie E.J. McKinley abstaining.

Appointment 7:00 PM RE: Reis Family Private Cemetery site approval – Thomas W Hardman, Chair abstained from all discussion and voting on this matter and left the room. Leslie E.J. McKinley opened the public hearing at 7:00 PM. The plan entitled Approval Not Required dated January 24, 2014, prepared by Site Design Engineering, LLC for Victor and Natalie Reis as Parcel 1 on Map 62 Lot 34, Hixville Road, Dartmouth, MA was displayed. Wendy W. Henderson, Director of Public Health explained cemetery is located on Hixville Road across from the Ryder cemetery. Ms. Henderson feels the Reis cemetery should be consistent with the State and Town of Dartmouth Cemetery Rules and Regulations except mausoleums could be allowed. It was suggested by Ms. Henderson if the Board were to approve the cemetery it should be with the following conditions:

- Form a Cemetery Corporation for the perpetual care of the burial grounds
- Approval from Zoning Board of Appeals
- Approval of Town Meeting
- In the ground burials must be contained in a vault and above groundwater, determined to be at 60" below existing grade

Paul and Octavio Gonsalves were present to answer any questions on behalf of the Reis family who were away this month.

Leslie E.J. McKinley motioned to close the public hearing with Lynne Brodeur seconding the motion.

With Lynne Brodeur motioning to allow the Reis Family Private Cemetery on Hixville Road with the conditions Ms. Henderson had previously mentioned and Leslie E.J. McKinley seconding. Thomas W Hardman abstained. It was an unanimous decision.

Appointment 7:10 PM RE: Meghan Hamilton-Yallen/Plat 70, Lot 5 & 6, 46 Albro Avenue – Amendment for 14 horses and 1 Pony- Thomas W Hardman and Leslie E.J. McKinley announced they both had been to the site.

Meghan Hamilton-Yallen addressed the Board explaining that she would like to expand her business to include the additional animals. Ms. Hamilton-Yallen handed the board a copy of her Farm Conservation Plan, Rules of the Road, and two letters of support from her neighbors which were added into the record.

Diane DeOliveira from 85 Albro Avenue who was in attendance at the previous Board of Health meeting voiced her concerns once again: she is unable to have her

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dogs in her yard when the horses are in front of her property, the horses are not being bagged, which creates odors in the summer, how fast they are allowed to drive on the road without Ms. Hamilton-Yallen reprimanding them.

Lynne Brodeur asked if Ms. Hamilton-Yallen's property wasn't large enough to contain the horses and why do they need to ride them in the road. Ms. Hamilton-Yallen's response was they like to do trail rides and her property is big enough to contain the horses. Discussion ensued about whether the roadway was a public way.

Ms. Hamilton-Yallen stated they have made a more concerted effort to remove all the manure from the roadway. As for the speed, Ms. Hamilton-Yallen did admit to raising her voice when vehicles speed by and come close to the horses.

Leslie McKinley stated she had visited the site and feels the expansion and manure plan is sensible. Thomas W Hardman also visited the site commenting the site to look impeccable, and some of the issues mentioned this evening aren't in the purview of the Board of Health.

Ms. DeOliveira again voiced her concern about the horses relieving themselves on the street. Thomas W Hardman mentioned Ms. Hamilton-Yallen has heard the abutters concerns, and she plans to stay on top of it.

With Leslie E.J. McKinley motioning to approve the animal permit amendment for 14 horses and 1 pony and Thomas W Hardman seconding. Lynne Brodeur abstained. It was vote (2-0-1) to approve the animal amendment.

Appointment 7:30 PM RE: Town Counsel Anthony Savastano - Proposal from Wendy J Heiger-Bernays, PhD & and Noisome Trade - MGL, Chapter 111, Section 143 - 12/11/2013 -Wendy W Henderson, Director of Public Health briefed the Board that she has spoken with Town Counsel, and should have an agreement in writing within a week. Ms. Henderson mentioned Ms. Heiger-Bernays, PhD is unable to meet with the Board at their next scheduled meeting. Ms. Henderson will contact Ms. Heiger-Bernays about possibly meeting with the Board on March 5, 2014. Ms. Henderson was assured by Town Counsel that bills will not affect the Board of Health budget that the Select Board would be going to Finance Committee to ask for a transfer.

Appointment 7:45 PM RE: Scott Alfonse - Peregrine Environmental Service bottom ash cover material- Scott Alfonse, Executive Director of the Refuge District, Shawn Peckham, Operations Manager for the Greater New Bedford Regional Refuse District (GNBRRD), and Andrew Kozak, P.E. from Peregrine Environmental Service Inc. were present. Mr. Alfonse explained GNBRRD is applying to modify their application for alternative daily cover at the Crapo Hill Landfill with MassDEP and Board of Health approval is required. Wendy W Henderson, Director of Public Health asked about dust and heavy metals and if there is a prescribed mix of coal bottom ash: soil mix. Mr. Kozak gave a sample of the Coal Bottom Ash to the Board for them to examine. Mr. Kozak explained this material helps filter odor. Lynne Brodeur asked if this material has been used in other towns. Discussion ensued on the use of Coal Bottom Ash from Brayton Point Station as an alternative cover at GNBRRD.

With Lynne Brodeur motioning to allow GNBRRD to use Coal Bottom Ash from Brayton Point power station as alternative cover and Leslie E.J. McKinley seconding. It was an unanimous decision.



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RE: Cecil Smith Landfill Capping and Closure – Plat 72, Lot 6 Old Fall River Road -02/06/2013 Wendy W Henderson, Director of Public Health informed the Board she went to the site a few weeks ago with the Building Commissioner, Environmental Affairs Coordinator, Fire Chief, Deputy Chief, and Animal Control. Ms. Henderson told the Board the trailer is still on the property and they are using a self-contained tight tank. Ms. Henderson can't be sure if it is being maintained properly. Ms. Henderson has affirmed that the cesspool hasn't been abandoned. Thomas W Hardman thought the Board had previously addressed this issue about the cesspool. Ms. Henderson agreed. Mr. Hardman suggested sending another letter regarding the decommission of the cesspool. Discussion concerning the animals on the property ensued, and the Board would like a letter sent to Mark Dakers from MassDEP about the continued presence of the animals.

Scott Alfonse, Executive Director of the Refuge District also entertained some questions by the Board of Health members in regards to receipt of Comm 97 soils at the Greater New Bedford Regional Refuse District. Mr. Alfonse explained there is an application that needs to be complete prior to the soil being brought onto the site. A discussion on truck loads, and financing of materials brought to the site ensued.

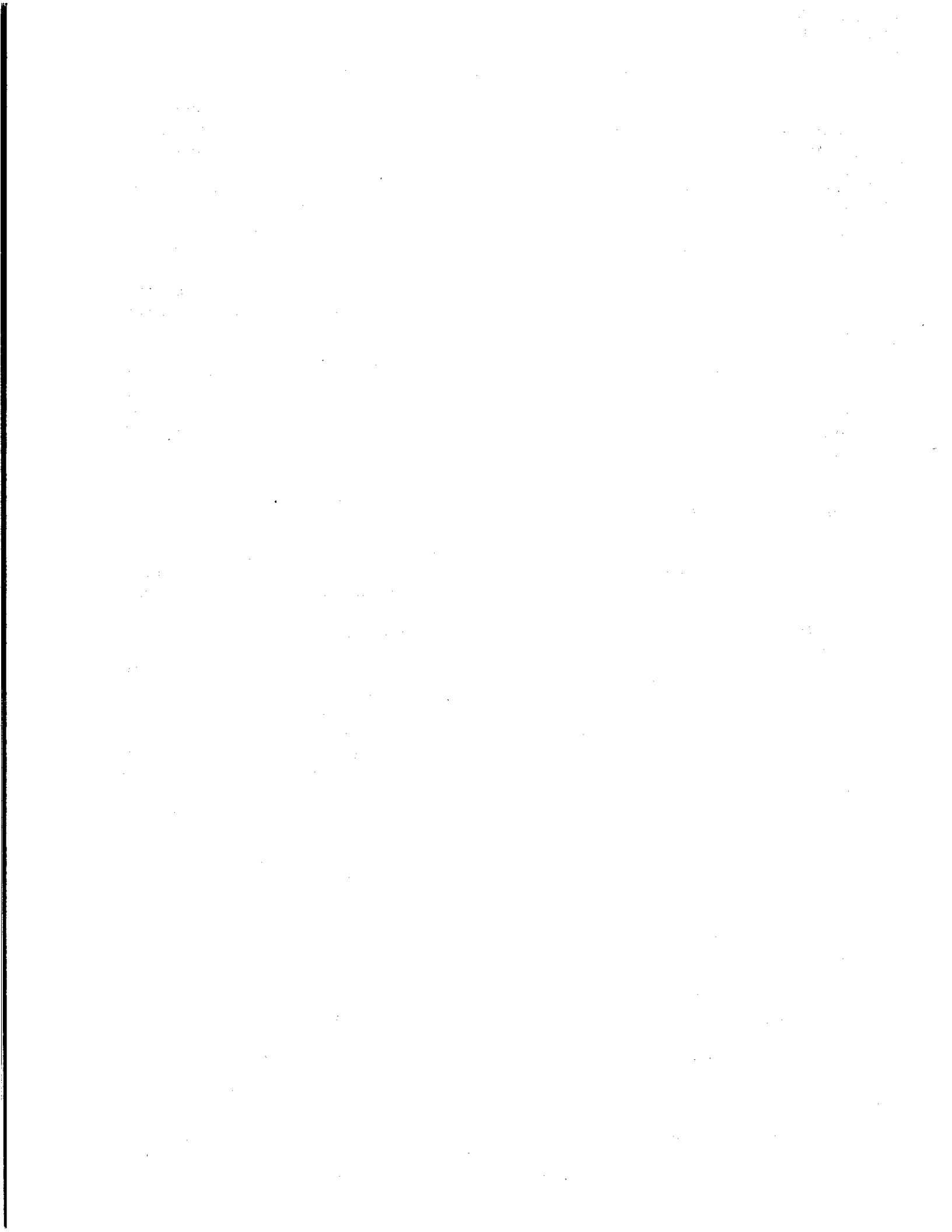
RE: State Road Cement Block (SRCB)/Plat 164, Lot 46, 656 State Road – Dust Complaint – 7/21/2010 – No new complaints have been received.

RE: Brandon Woods – Bullard Center – proposal- The Board perused the lease agreement for Brandon Wood Home Care. Wendy W Henderson, Director of Public Health is already compiling a list for them to work on once they take over tentatively as of March 1, 2014. Thomas W Hardman asked if this agreement had been executed. Ms. Henderson replied it had not, the lease was presented for their input.

RE: Assistant Animal Control Officer Discussion – 12/11/2013-Wendy W Henderson, Director of Public Health updated the Board that Chief Lee was not in agreement with assigning an on duty police officer to deal with emergency after hour responses. Ms. Henderson has heard that Chief Lee would be willing to take on the Animal Control Department as a whole. Ms. Henderson explained the Board of Health is the appointing authority for Animal Inspectors and Rabies Control. Sandra Gosselin, Animal Control Officer is in the process of putting a list together about her department and what it entails. After much discussion, Leslie E.J. McKinley volunteered to take the lead to speak with Greg Barnes, Director of Budget and Finance/Treasurer to determine where funds could be obtained to fund a 32 hour per week Monday through Friday Assistant Animal Control Officer, and to get this to Town meeting for a vote.

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

Contractor's Network/Plat 41, Lot 6, sub lot 4A, Cedar Dell Way – release of Restrictive Covenant- The Board discussed the aforementioned septic plans and pursuant to the provisions of 310 CMR 15.000, Title 5, Wendy W Henderson explained that the land has been re-subdivided to at least 40,000 square foot lots. In Ms. Henderson opinion, if the Board approves this they should write a letter telling Contractor's Network to remove the Nitrogen Loading restrictions on the lots. Also the plans can't be released until we receive approval from Town Counsel to assure everything is in order. Thomas W. Hardman entertained a motion to remove the Nitrogen Aggregation Loading from the lots with Lynne Brodeur motioning and Leslie E.J. McKinley seconding, the Board of Health voted unanimously to approve.



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Sharon & Thomas Rua/Plat 192, Lot 63-2, 1 Pine Grove Lane – waiver & 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 proposed 4' between the bottom of the soil absorption system and the estimated seasonal high groundwater elevation as designed. 5' required Leslie E.J. McKinley seconding, the Board of Health voted unanimously to approve the aforementioned with a deed restriction limiting the home to three bedrooms.

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.

Peter Spindler/Plat 23, Lot 31-1, Gaffney Road

RE: Complaint Log –January 22 through February 7, 2014 – The Board perused a copy of the complaint log for the aforementioned dates. No action required.

RE: Folly Farm Definitive Subdivision Plan on Little River Road- Wendy W Henderson, Director of Public Health informed the Board she sent Planning Board a memorandum noting the applicant would need to show compliance with the septic systems and wells on each lot proposed. Also Michael O'Reilly, Environmental Affairs Coordinator might need to extend the wetland line. No further action at this time.

RE: Budget proposals- The Board of Health perused the budget proposal for 2015. Wendy W Henderson, Director Public Health explained the Board of Health budget is straight forward. Ms. Henderson pointed out she did put more in the education account. As for the Animal Control budget, it keeps changing. Ms. Henderson will be meeting with Melissa Medeiros from Human Resources regarding the Assistant Animal Control position and a call down emergency responder list.

RE: Annual Report- The Board perused the 2013 Annual Report of the Dartmouth Board of Health with one minor correction that was prepared by Wendy W Henderson, Director of Public Health.

RE: Animal Shelter contract-Wendy W Henderson, Director of Public Health wanted to bring to the Boards attention the animal shelter contract has expired, and she needs to request three competitive bids. The contract will only be valid for one year. Ms. Henderson has some suggestions to be contained in the bidding process. This hasn't been done since David Cressman has become the Town Administrator. Right now they are still working off an old contract.

RE: Wendy Henderson – Director's Report-The Board perused Wendy W Henderson's report from January 30 to February 5, 2014. No action taken at this time.

RE: Update on Director's insurance- Wendy W Henderson updated the Board her disability insurance issues haven't been cleared up. Ms. Henderson has brought this situation up to her union representatives.

RE: 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 –



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RE: 166 Chase Road – Laboratory research facility- Lynne Brodeur gave the Board a brief overview for the applicant, and his current status at UMass Dartmouth. The Board members have concerns with what the applicant's missions and goals, biohazard wastes or any agents he may use in the research that could threaten the aquifer for this non-profit laboratory. It was a consensus of the members of Board of Health to invite the applicant or his representative to discuss exactly what the applicant is proposing before they will offer comments to the Board of Appeals on this matter.

RE: Dartmouth dad appeals to FDA to renew son's tumor treatment-Leslie E.J. McKinley brought to the Boards attention a Dartmouth father whose son has a tumor on his brain stem and the FDA will not allow the boy to be readmitted to a controversial clinical trial. Discussion ensued and the Board suggested speaking with the Public Health Nurse to find out more information on this situation before the Board takes any action.

RE: Board Signatures – The Board signed an Employee Absentee Report for Wendy W Henderson, Director of Public Health

At 8:50 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, Leslie E.J. McKinley.

With no further business to discuss, the Chair adjourned the meeting at 8:51 p.m.

Respectfully submitted,



Donna Farias
Administrative Clerk

