

APPROVED
BOH MEETING
04/16/2014

**Town of Dartmouth
Board of Health
Minutes of the Meeting of
26 March 2014**

RECEIVED
2014 APR 18 PM 12 14
DARTMOUTH TOWN CLERK

The meeting notice was duly posted.

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

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

The Minutes of the meeting of March 12, 2014 were tabled until the April 9, 2014, meeting by Thomas W. Hardman, Lynne Brodeur, and Leslie E.J. McKinley.

APPOINTMENT 7:10 PM

RE: Anthony Savastano, Town Counsel - Nuisance - MGL, Chapter 111, Section 122 proposal - Comm 97 soils - 2/12/2014-

Chair, Thomas W. Hardman, informed the Board that he spoke with Town Counsel, Anthony C. Savastano, who had previously stated that he would have provided draft regulations relating to Comm-97 soils for this meeting. However, he was unable to do so given his that he had been extremely busy. Mr. Hardman, stated he would follow up with Attorney Savastano. Wendy W Henderson, Director of Public Health agreed that Town Counsel had expected to have something to the Board of Health, but other things have been consuming his time.

Members of the public expressed concerns about the process and the time it was taking to receive draft regulations from counsel.

Mr. Hardman explained the regulations need to be drafted to be well reasoned, comprehensive and pursuant to the authority of the Board. Board member, Lynne Brodeur reiterated Mr. Hardman's statement of approving regulations that are defensible.

Members of the public commented on, and when addressing Comm-97 soils, referred to a project currently proposed at the "Cecil Smith landfill". One member of the public expressed her concerns about Comm-97 soils and further stated that the Board should take a vote before a consent order is issued.

Mr. Hardman reiterated that the Board requested draft regulations banning Comm-97 soils to review, but wanted the record to reflect the Comm-97 discussion of any ban or restriction addresses the Town as a whole and is not targeting any one project.

Mr. Hardman will contact Attorney Savastano to see if he can get the Board the draft regulations for our next meeting of April 9, 2014.

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

Board of Health Meeting 26 March 2014

when does a complaint constitute a nuisance. Mr. Hardman, Chair explained it needs to be documented and then it is inspected by the Board of Health.

RE: Brandon Woods – Bullard Center – proposal 01/08/2014- Wendy W Henderson, Director of Public Health updated the Board that she has a meeting on April 1, 2014, at 10:30 A.M. at the Town Hall with Brandon Woods regarding Public Health nursing service and the Brandon Woods contract. Nothing further to discuss at this time.

RE: Letter of support for Braiden Norton tumor treatment – Mr. Hardman, Chair asked if Wendy W Henderson, Director of Public Health had contacted her son regarding Braiden's dad. Ms. Henderson had not spoken with her son, and asked if Ms. McKinley knew if Braiden was in school. Ms. McKinley didn't know. No further action was taken at this time.

RE: Assistant Animal Control Officer discussion- Wendy W Henderson, Director Public Health explained there was no real update. Ms. Henderson informed the Board members that Sandra Gosselin, Animal Control Officer will be out until April 4, 2014, after being re-ended in the Animal Control van.

RE: Complaint Log –February 6 to March 19, 2014 – The Board perused the complaint log of February 6 to March 19, 2014, and no action required by the Board at this time on those matters.

RE: Mary Mehri/Plat 1, Lot 5, 1176 Horseneck Road – Loose Chickens 11/06/2013- Wendy W Henderson, Director of Public Health explained this is before the Board again due to a recent complaint. The Assistant Animal Control Officer Stacy Rebelo and Glenn Harris from the State inspected the site on March 5, 2014, and took photographs to document the site. The Board perused pictures that had been taken by Ms. Henderson, Director of Public Health and Ms. McKinley who also visited the site on March 25, 2014. Mr. Hardman expressed is his disappoint with the situation and suggested a letter be sent to Ms. Mehri requiring her presence at the Wednesday, April 9, 2014, at 7:20 P.M. to discuss this situation.

RE: Nitrogen Loading and Aggregation Plan for Prospect Hill Preserve-The Board reviewed and discussed Christopher Michaud, Health and Sanitary Inspectors memo regarding the Nitrogen Loading and Aggregation Plan for Prospect Hill Preserve on Old Fall River Road. The Board found everything was in order, limiting homes to 6 bedrooms maximum.

Mr. Hardman entertained a motion to approve the Nitrogen Loading and Aggregation plan with the following condition: Zoning Board of Appeals approval and proof of recording of the Nitrogen Loading Restriction and Easement Plan be submitted to the Board of Health. Lynne Brodner motioned to approve the plan Nitrogen Loading plan dated March 12, 2014, with the conditions previously mentioned seconded by Ms. McKinley was unanimously approved.

RE: Proposed Irrigation Well Located at 580 Russells Mills Road- The Board reviewed and discussed Christopher Michaud, Health and Sanitary Inspectors memo regarding the proposed well location. Mr. Hardman would like to see the water tested even though the well is for irrigation purposes. These soccer fields are being utilized by children and Mr. Hardman would like to assure their safety.

Board of Health Meeting 26 March 2014

Mr. Hardman entertained a motion for approval with the following conditions: no cross connection of water from the irrigation well and town water, plan showing the proposed irrigation well moved 100 feet from the refuse area, approval from Parks and Recreation Board prior to the installing the proposed irrigation well, a standard Potability and Volatile Organic Compounds (VOC) analysis shall be submitted to the Board of Health after the well has been installed and before connected for use, and no connection shall be allowed that will facilitate its use for potable water. Leslie E. J. McKinley motioned to approve with the conditions previously stated with Ms. Brodeur seconding the motion.

RE: Community Nurse & Hospice Care/Public Health Statistics-February 2014- The Board reviewed the Dartmouth Public Health Statistics for February from the Community Nurse & Hospice Care. Ms. Brodeur inquired about the Police Stations situation. Wendy W Henderson, Director of Public Health informed the Board samples have been taken and results should be in sometime this week. The Chief is working with a Mechanical Engineer, Christopher Garcia on the facility situation. If the results are negative the plan is to do some additional testing, because there is no one in the building using the facility.

RE: Boston Globe article-The Boston Globe article was just for information only and no discussion on this matter.

RE: Planning Board notices of public hearing to amend Dartmouth Zoning Bylaws- The Board scanned the notice from the Planning Board to amend some of the Dartmouth Zoning Bylaws. Mr. Hardman stated he would be in attendance to comment on Article G. Ms. McKinley commented on Article F, and Mr. Hardman stated this is State law.

RE: Director of Public Health position- A request has been made to Melissa Medeiros, Personnel Director on behalf of the Board of Health for a salary study and pay level recommendation for the Board of Health Director of Public Health position. Nothing has been received at this time.

Mr. Hardman asked Ms. Henderson if she has heard anything regarding her disability insurance reimbursement. Ms. Henderson will be meeting with the Select Board on May 19, 2014, regarding the issue. The Board members offered their support to attend this meeting with Ms. Henderson.

RE: Wendy Henderson report and updates:

- **Cedars Assisted Living-**Mr. Hardman has spoken with Attorney Matthew Thomas that the pump station was intended to be taken over by the Town. Attorney Thomas will be bringing this back to the Town. Wendy W Henderson, Director of Public Health explained she was made aware of this situation almost ten weeks after-the-fact. She had asked DPW for a report and was only given verbal information. Ms. Henderson then sent out an order, which had been approved by Department of Public Works Director David Hickox, but was later told the address of where the backup occurred was incorrect. Ms. Henderson is still waiting for a written report. The owner of where the backup took place would like to be compensated for damages to his home.
- **Cecil Smith Landfill Capping and Closure** - Plat 72, Lot 6, Old Fall River Road 02/06/2014-The Board perused Wendy W Henderson, Director of Public Health itemization of the last two Select Board

Board of Health Meeting 26 March 2014

meetings held on March 17 and March 20, 2014. Ms. McKinley opinion is the Board of Health doesn't have a say, and doesn't know what comments the Board of Selectmen sent back to the Department of Environmental Protection regarding mitigation suggestions. Ms. Henderson stated it was Gloria Bancroft who told her about the March 20, 2014, Select Board meeting.

RE: Janice Young - Inspector's Report- The Board perused the Inspector's Report from March 4, to March 24, 2014, and no action at this time.

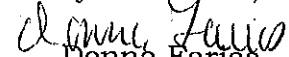
RE: Discussion of any item not known 48 hours in advance - None

RE: Board Signatures - No signatures required.

At 9:15 p.m. Thomas W. Hardman, Chair entertained a motion to close the regular Board of Health Meeting. Roll call vote -Thomas W. Hardman - yes, Lynne Brodeur - yes, Leslie E.J. McKinley - yes.

With no further business to discuss, the Chair adjourned the meeting at 9:15 p.m.

Respectfully submitted,


Donna Farias

Administrative Clerk