



**Town of Dartmouth
Board of Health
Minutes of the Meeting of
07 May 2014**



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DARTMOUTH TOWN CLERK

The meeting notice was duly posted. This meeting was called to order at 7:02 p.m.

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

The Minutes of the meeting of April 16, 2014 were tabled until the next meeting.

**Appointment 7:00 PM RE: Anthony Savastano, Town Counsel - Implementation of
Dartmouth Board of Health Contaminated Soils Regulations-**

Ms. McKinley asked Attorney Savastano if the Contaminated Soils regulations were in effect. Attorney Savastano stated that they were in effect.

Health and Sanitary Inspector Christopher Michaud was present because he was looking for clarification on remediation at 61 Milton Street in regards to the recent passing of the Contaminated Soils regulations. Mr. Michaud gave the Board a brief overview of what was going on at the site. Town Counsel asked if they were ordered to clean up the site. Mr. Michaud stated the Board of Health ordered the solid waste cleanup, then retracted the order when they learned high levels of lead and PCBs put the site in DEP jurisdiction under the Massachusetts Contingency Plan.

There was a brief discussion on Comm-97 soils being taken to lined landfills in other towns. It was discussed that it can't be used at Crapo as daily cover. Scott Alfonse from Crapo Hill Landfill did indicate that Comm-97 as of February 2014 Comm-97 use as disposal doesn't need DEP prior approval, provided the material meets certain standards.

Ms. McKinley inquired if Wendy Heiger-Bernays would be interested in helping the Board looking at other soil contaminants. Town Counsel stated that she is very interested and the Board should put a summary of what they would like Dr. Heiger-Bernays to look into together.

The Board would also like the Director of Public Health to send Dr. Heiger-Bernays a letter thanking her for her advice, generous assistance in evaluating and detailing the environmental and public health risks, and concerns associated with importation and use of Comm-97 soils.

There was a question about the reuse or disposal of "Gap" soils; soils that contain some level of "hazardous" constituents, but do not originate at 21 E sites. Mr. Alfonse stated draft standards are expected this summer.

In other matters, Mr. Michaud informed the Board of two articles that would be going to Town meeting. Mr. Michaud gave a brief overview of Article 30 and 31 Comprehensive Revisions to Earth and Soil Removal General By-law. The first revision to Section 34 was to clarify certain aspects of the appointment and removal procedures of the Soil Board members. The second revision was to Section 67 updating and expanding procedures, requirements, restrictions in obtaining permits and exemptions for the removal of soil, loam and sand or gravel. It is the hope that these changes will provide a better understanding and application of the soil removal permitting process.

➤ Nothing further at this time.

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Appointment 7:33 PM Mary Mehri/Plat 1, Lot 5, 1176 Horseneck Road-Loose Chickens -

Mary Mehri told the Board that the fencing the neighbor requested was up and the neighbor thanked her. The Board told Ms. Mehri that the fence had been required 6 months ago when she had been before them, and the chickens need to stay on her the property. Ms. Mehri stated the ground was frozen and she was unable to up the fence until now. Ms. Henderson mentioned that Animal Control would be going to Ms. Mehri's property on May 8, 2014, with State and DPH for an re-inspection of the animals. Ms. Henderson advised the Board they may want to table their decision until the next Board of Health meeting after Animal Control has conducted their inspection to decide of whether the board stands by their decision to revoke Ms. Mehri's animal permit. The Board's previous letter to Ms. Mehri gives her until mid-June to remove the animals.

- Ms. McKinley, chair, entertained a motion to table this matter until Wednesday, May 21, 2014 at 7:20 PM. After the motion was made by Mr. Hardman to table this matter until the next meeting, so the Board will have the opportunity to review Animal Control's inspection findings and Ms. Brodeur seconded. It was voted 3-0 to table this matter until the Board's next meeting.

Appointment 7:20 PM Best Western/Semi-public pool closure-

Health and Sanitary Inspector Christopher Michaud provided testimony regarding the operation and maintenance of the semi-public swimming pool at the aforementioned location. Particularly, the absence of a Certified Pool Operator (CPO) from the facility and the failure of the listed CPO to adequately train staff in all phases of the operation and maintenance of the semi-public pool and the provisions of 105 CMR 435.00: State Sanitary Code, Chapter V, Minimum Standards for Swimming Pools. It was Mr. Michaud's recommendation that the Board revoke the Best Western's semi-public pool permit and require the Best Western to have a CPO on staff at this location as part of a condition on any subsequent permit to reopen this semi-public pool. Also Best Western should apply for a new permit to be accompanied by the applicable fee, proof of a CPO on staff, and the facility must be inspected by Health and Sanitary Inspector, Christopher Michaud prior to opening.

Linda Avilla, General Manager (GM) at the Best Western and Carolyn Vickery former GM spoke on behalf of the Best Western. Ms. Avilla stated as of April 16, 2014, she has become CPO. The emergency phone has been fixed and tested and testing is being done every 6 hours.

- Ms. McKinley, chair, entertained a motion. After the motion was made by Mr. Hardman to revoke Best Westerns current semi- public pool permit, require a certified pool operator onsite, and pool needs to be re-inspected and seconded Ms. Brodeur. It was voted 3-0 to revoke the permit, required a new permit conditioned with have a CPO onsite, and re-inspection of the pool.

RE: Cecil Smith landfill update -

Ms. Henderson commented on the well testing guidance and the residents have commented they will be finding companies do to the water testing of their wells. There was a complaint of some work being done at the site but the work was being done on the power lines. Ms. Henderson did tell the complainant work will be starting for the roadway required to service the house they proposed to move from the landfill area to move the house. Ms. Henderson informed the Board that Deborah Melino-Wender is putting a summary together for Town meeting, and Ms. Henderson was asked for her comments for this summary.

- Nothing further at this time.

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RE: State Road Cement Block (SRCB)/Plat 164, Lot 46, 656 State Road - Dust Complaint - 7/21/2010 -

Ms. Henderson, Director of Public Health updated the Board State Road Cement Block will be meeting with the Board on May 21, 2014, about the abutter who keeps complaining about the business.

- Nothing further at this time.

RE: Police Department update-

Ms. Henderson, Director of Public Health informed the Board the Police Department is looking at bids to replace the plumbing system at the Police station.

- Nothing further at this time.

RE: Public health Nursing/Brandon Woods - Bullard Center-

Ms. Henderson, Director of Public Health updated the Board that Brandon Woods has placed an advertisement which was given to the Board for their review. The Board agreed this advertisement doesn't address public health nursing issues or needs. The Board advised Ms. Henderson to speak with David Cressman, Town Administrator and Brandon Woods.

- Nothing further at this time until Ms. Henderson has an opportunity to speak with the Town Administrator.

RE: Animal Control Officer-

Ms. Henderson updated the Board that Sandra Gosselin has returned to her position full time and Finance Committee and Board of Selectmen unanimously support 32 hours Assistant Animal Control position as proposed.

- Nothing further at this time.

RE: Director of Public Health position-

Ms. Henderson, Director of Public Health stated there is no real update. She has spoken with Melissa Medeiros from Human Resources who had emailed her the salary study for the Director position. Discussion regarding advertising for this position was discussed.

- Ms. Henderson will speak with Ms. Medeiros on posting and advertising this position.

RE: Septic Plans ~

Patrick & Ute Prevost/Plat 97, Lot 57, 59 Nonquitt Avenue- waiver & deed restriction-

Mr. Hardman recused himself from all discussion and voting on this matter and left the room.

Ms. Henderson explained the proposed garage and septic system will be constructed in conjunction with each other, so not to jeopardize the system. In Ms. Henderson opinion, she doesn't see a problem.

- After some discussion and review of the plan a motion was made by Ms. Brodeur to approve the 5' setback for the proposed garage and seconded Ms. McKinley. It was voted 2-0 with 1 abstention Mr. Hardman, to approve the setback for proposed garage.

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The following septic plans were reviewed by Health and Sanitary Christopher Michaud and approved by the Board Health.

Aspen Properties/Plat 66, Lot 13 & 14, Sublot 2, Hixville Road- Innovative/ Alternative System
Aspen Properties/Plat 66, Lot 13 & 14, Sublot 3, Hixville Road - Innovative/ Alternative Sytem
Shawn Francis/Plat 41, Lot 13, 278 Fisher Road - deed restriction & O&M
Long Built Homes/Plat 65, Lot 26, Old Fall River Road
Long Built Homes/Plat 65, Lot 27-4, Old Fall River Road
Long Built Homes/Plat 65, Lot 27-5, Old Fall River Road

Ms. Henderson would suggest the Board establish a policy that any new well that is less than a one (1) miles radius from the Cecil Smith Landfill to include the following potable water testing parameters:

- Volatile Organic Compounds (EPA Method 524.2, including MtBE, MEK, MIBK) and 1,4-Dioxane¹ (Modified 8260 SIM)
 - Semi-Volatile Organic Compounds, (EPA Method 8270 SIM)
 - RCRA 8 Metals
 - Standard potability
- Ms. McKinley, entertained a motion to establish a policy that any new well that is less 1 miles from the Cecil Smith Landfill to include the following potable water testing parameters as stated above. After the motion was made Mr. Hardman motion to establish a policy as stated by Ms. Henderson and seconded by Ms. Brodeur. It was vote 3-0, to establish a policy for any new wells less than 1 miles from the Cecil Smith Landfill to include special testing.

The following septic plans were reviewed by Health and Sanitary Inspector, Christopher Michaud and approved by the Director of Public Health, Ms. Henderson.

Contractors Network/Plat 41, Lot 6, Sublot 7A, Cedar Dell Way

RE: Complaint Log -April 23, 2014 through April 29, 2014 -

The Board perused and discussed with the complaint log.

- No action required at this time.

RE: Contaminated soils-

The Board briefly discussed this during their discussion with Town Counsel in regards to the implementation of the Contaminated Soil reguatlion.

- No action required at this time.

RE: UPS Health-

Ms. Henderson, Director of Public Health informed the Board she had received an email from Erin Murray from UPS, in Dartmouth. They would like to have the public health nurse do blood pressure awareness. Ms. Henderson feels this is important and Kathy Bohan, Public Health nurse is willing to do this for UPS. Lynne Brodeur also mentioned her willingness to help out with the blood pressure clinic one morning in May.

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- Ms. Henderson will contact Kathy Bohan about doing the blood pressure clinic and have Ms. Bohan coordinate with Lynne Brodeur to help out if possible.

RE: MAHB elected vs Appointed Boards -

Ms. Henderson gave the Board a summary of MAHB comments regarding elected versus appointed board for their information. Ms. Henderson felt that this might be useful since Town meeting is next month. At this time, Ms. Henderson went over the Town meeting articles that had relevance to the Board of Health. Ms. Henderson suggested that it may be prudent for the Board to speak on the MAHB issues that were mentioned in the MAHB summary at Town meeting.

- No action required at this time.

RE: Community Nurse & Hospice Care/Public Health Statistic - March 2014-

- The Board reviewed the Dartmouth Public Health Statistics, and no action required at this time.

RE: Janice Young - Health Inspector's report / Christopher Michaud - Health Inspector's report/ Director's report-

The Board reviewed the inspector's and director's reports with no comments.

- No action required at this time.

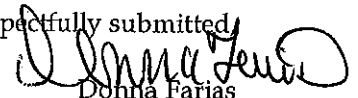
RE: Board Signatures -

Leslie McKinley signed Ms. Henderson employee absentee report.

At 9:00 p.m. Leslie E.J. McKinley, 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 9:00 p.m.

Respectfully submitted,



Donna Farias
Administrative Clerk

