

**Town of Dartmouth
Board of Health
Minutes of the Meeting of
02 July 2014**

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DARTMOUTH TOWN CLERK



Public Health
Prevent. Promote. Protect.

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 June 18, 2014 were approved as amended.

The Chair polled the Board for a roll call vote to convene into Executive Session with Anthony Savastano, Town Counsel, and Brian Cruise, assistant Town Counsel regarding BEC vs Dartmouth Board of Health and Town of Dartmouth pursuant to M.G.L. Ch. 30A, Sec 21: Chair Leslie E.J. McKinley, yes; Lynne Brodeur, yes; Thomas W Hardman, yes

The Chair called the public meeting to order at 8:00 p.m. on July 02, 2014 in room 315.

RE: Other contaminated soil concerns /Wendy Heiger-Bernays Letter- The Board discussed the draft letter asking Dr. Heiger-Bernays for her assistance with providing analyses to address any public health issues relating to other contaminated soils.

- Ms. McKinley, chair entertained a motion to send the letter to Dr. Heiger-Bernays and asking her if she could prioritize the list materials to be addressed that are most detrimental to public health. After the motion was made by Thomas W Hardman, and seconded by Lynne Brodeur. It was voted 3-0 to send Dr. Heiger-Bernays the revised letter.

RE: 61 Milton Street - remediation update/Ram Plan Modification/Enforcement Action- Ms. Henderson informed the Board that an Order to Cease and Desist had been sent to the owner of 61 Milton Street for the transport and reuse at the Bourne Landfill of COMM-97 soil located on site at this time.

- No further action required by the Board at this time.

RE: Public Health Nursing/Brandon Woods - Bullard Center - proposal- Ms. Henderson, Director of Public Health updated the Board that the lease agreement will be going to the next Select Board meeting to be signed. There were some minor changes with liability issues.

- No further action required by the Board.

RE: Director of Public Health position- Ms. Henderson, Director of Public Health informed the Board they have some applications for the Director of Public Health position in their agenda. Ms. Brodeur will create a database with all the applicant's credentials ready for the next Board meeting.

Ms. Henderson also mentioned that there has been one applicant for the 32 hour Assistant Animal Control position. Stacy Rebelo, current part time ACO, has applied and will be offered the

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position. There will be another posting for a twelve hour part time Animal Control which will need to be posted.

- No further action required by the Board.

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

Gilbert DeSousa/Plat 44, Lot 8-4, 14 Eliza Lane- Ms. Henderson explained the septic system has been installed. This was before the Board as a courtesy to let them know a complaint had been made about the overflowing septic system. The drainage pond on site according to our local regulation requires 100' setback to 100 year storm elevation. There is no as built plan of the pond. Ms. Henderson wanted to know if the Board would agree with repairing a system is the best you can do and not become concerned with engineering calculations on the constructed ponds.

- The Board agreed staff should require compliance to the maximum feasibility without detailed analysis.

RE: Complaint Log - June 12, 2014 through June 23, 2014 - The Board perused a copy of the complaint log for the aforementioned dates.

- Fisher Road - odor
- Eliza Lane - sewage overflow (previously discussed)
- Residents at Cedar Dell- dog in kitchen
- Ms. Brodeur stated that she had been out with Janice Young, Health and Sanitary Inspector to Dartmouth Wasabi were they did find some non-critical violation, Not Your Average Joes and Sail Loft were found to have made significant progress. Sail Loft has also hired a cleaning company

- No further action required by the Board.

RE: Luis A Cordeiro/Plat 50, Lot 9-1, 75 Chase Road - clarification on cows being kept on property- Ms. Henderson explained Mr. Cordeiro wanted to clarify that he would like to keep the two cows on his property at anytime..

- Ms. McKinley, chair entertained a motion to allow Mr. Cordeiro to have the two cows up to a year old on his property. After a motion was made by Thomas W Hardman, and seconded by Lynne Brodeur. It was voted 3-0 to allow Mr. Cordeiro to have two cows on his property year round up to a year old.

RE: New Bedford Parks and Recreation Food Program- Ms. Henderson informed the Board the City of New Bedford Parks Recreation & Beaches have a Summer Food Service Program were they provide nutritious meals for children at the Dartmouth Motor Inn. This program will run the whole summer time until August 29, 2014.

- No action required by the Board.

RE: Dartmouth Honeywagon- Ms. Henderson explained Christopher Michaud, Health and Sanitary Inspector had concerns because the applicant lives in an Aquifer and having his Septic truck parked full of sewage is not allowed. The applicant's mother who lives a mile down the road has signed a letter that the truck may be parked in her yard if Mr. Brito can't empty the vehicle at the wastewater treatment facility.

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- Ms. McKinley, chair entertained a motion to allow Mr. Brito have his Septic Hauler's permit, provided that Mr. Brito's vehicle may *not* be housed at 442 Chase Road, Dartmouth, MA property owned by him if there is any sewage in it, since his residence is in an Aquifer. Mr. Brito's vehicle must be kept at 158 Chase Road, Dartmouth, MA if there is any sewage in the vehicle, because this property isn't located in an Aquifer area. At times when Mr. Brito's vehicle contains no sewage, he may park the vehicle on his property at 442 Chase Road. After the motion was made by, Thomas W Hardman and seconded by Lynne Brodeur. It was voted 3-0 allow Mr. Brito to have his Septic Hauler's permit with the stipulation stated previously.

RE: Zoning Board of Appeals- This was brought to the Board's attention because of the proposed cell towers going before the Zoning Board of Appeals. The Board has no authority to regulate cell towers. A representative for one of the proposed cell towers has since withdrawn their request. Discussion ensued about the process of the Board of Health commenting on Zoning Board of Appeals filings.

- No action required by the Board.

RE: Community Nurse & Hospice Care/Public Health Statistics May 2014- The Board reviewed and discussed the procedure of reporting communicable disease.

- No action required by the Board.

RE: Beach Testing- The Board perused the recent beach testing results. Results of the Beaching have been good and discussion on the process of testing if there is a bad result.

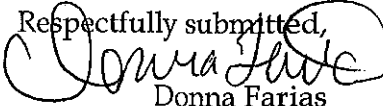
- No action required by the Board.

RE: Discussion of any item not known 48 hours in advance - Ms. Henderson brought to the Board's attention there have been some applicants that have come to the Board of Health that are using other permitted facilities and don't require the extensive inspection one would do for a full Food Service Establishment. Ms. Henderson explained the fee for a Food Service Establishment permit is \$300, and Ms. Henderson would suggest \$250 for a permit fee for a Minimal Food Service permit

- Ms. McKinley, chair entertained a motion to have a Minimal Food Service permit with the fee of \$250. Food Service Inspector and Director to agree on what qualifies. After the motion was made by Thomas W Hardman and seconded by Lynne Brodeur. It was voted 3-0 allow the new fee for minimal Food Service.

RE: Board Signatures - Leslie E.J. McKinley signed Ms. Henderson Form C Employee Absentee Report vacation requests.

At 8:45 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.

Respectfully submitted,

Donna Farias
Administrative Clerk