



**Town of Dartmouth
Board of Health
Minutes of the Meeting of
16 July 2014
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DARTMOUTH TOWN CLERK

The meeting notice was duly posted. This meeting was called to order at 6:30 p.m on July 16, 2014 in room 315.

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 July 02, 2014 were approved as amended.

RE: 6:45 PM- Select Board (invited) – discussion regarding appointing the Director of Public Health-
The Board invited the Select Board and David Cressman, Town Administrator to meet with them to discuss their process for hiring a new Director of Public Health.

- The Board wanted the record to reflect that neither the Select Board or the Town Administrator were in attendance for the 6:45 PM meeting to discuss the hiring of a new Director of Public Health.

RE: 7:10 PM – 75 Pine Island Road – Plat 79, Lot 25, Richard R Riccio III, P.E. – variance from 310 CMR 15.211 & 15.212- Richard R Riccio III, P.E. from Field Engineering handed the clerk the green cards verifying notification of abutters of the hearing and variance request as follows:

Section	Waivers and *Variance
15.211	25.2' provided to Bordering Vegetated Wetland, 50 feet required
15.211	10' setback from SAS to foundation wall proposed, 20' required
15.211	50' setback from SAS to private water supply well, 100' required.
15.212 (A)	3' separation to seasonal high ground water proposed, 4.0 required.

Mr. Riccio explained this plan had been previously been presented and approved by the Board but the permit has since expired. Mr. Riccio explained they will also need to get DEP approval for the reduction in the separation to groundwater and private well supply separation.

- With nothing further to discuss, Mr. Hardman motioned to grant the variance and waivers for the *50' setback form onsite well to proposed SAS, 100 required, 10' setback from SAS to foundation wall proposed, 20' required, 25.2' setback from SAS to Bordering Vegetated Wetland proposed, 50' required, 3' separation to groundwater proposed, 4.0 required with Ms. Brodeur seconding the motion. It passed with a vote of 3-0, to approve the variance and waivers.

RE: 7:20 PM – 1346 Old Fall River Road – Plat 64, Lot 10, Susan Gouveia – Public Hearing on animal permit amendment request - Susana Gouveia owner of 1346 Old Fall River Road was present. Ms. Gouveia presented a permit to the Board members that indicated the animals that she had on the property. It was brought to the attention of the Board that this permit had been given to Ms. Gouveia in error, because of a clerical error.

- Mr. Hardman motioned to rescind the current permit until further discussion on this matter with Ms. Brodeur seconding. It was vote 3-0, to rescind the current permit.

Discussion ensued on what Ms. Gouveia was originally permitted to have for animals on the property. It was determined that Ms. Gouveia's permit should be for 10 chickens, 4 sheep and 17 goats. Ms. Gouveia would like to have 30 chickens, 2 turkeys, 4 sheep, 4 water fowl, 8 guinea hens, 5 roosters, and 17 goats.

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Jennifer Ferguson from 1334 Old Fall River Rd, an abutter addressed her concerns with Ms. Gouveia not keeping her animals on her own property and this not being the first time Ms. Gouveia has had unpermitted animals on her property. Ms. Ferguson didn't have any objection to her having animals but would like them to stay on her property.

Ms. McKinley advised Ms. Gouveia that the Board has received other letters of concern. Mr. Hardman had been to the site and agreed that the guinea hens were loud and he isn't inclined to let Ms. Gouveia have the guinea hens. Ms. Brodeur mentioned that Animal Control had given Ms. Gouveia a week to have the wings clipped. Ms. Gouveia explained that she has clipped one of them but has been unable to get the others. There was discussion on where and how the manure was being maintained.

- Ms. McKinley, chair entertained a motion on the animal permit amendment, Thomas Hardman motioned to grant an amended animal permit for 15 chickens, a combination of 10 sheep or goats, and 4 water fowl with Lynne Brodeur seconding. Thomas Hardman also motioned and Lynne Brodeur seconding the motion Ms. Gouveia will need to remove the unpermitted guinea hens, roosters and turkeys from her premises within 30 days, as well as, move the manure pile and an inspection will follow by Animal Control. It was voted 3-0 for the above motion.

RE: 7:30 PM – 492 Reed Road – Plat 163, Lot 8, Kevin Galego – Public Hearing on animal permit amendment request- Kevin Galego was sent a letter on July 3, 2014, by first class mail informing him of a public hearing on his animal permit ammendment request. Mr. Galego was not in attendance for this public hearing.

The following abutters spoke in regards to the rooster, manure pile and the care of the animals on Mr. Galego's premises. Robert Dwyer, Jeffrey Rebello, and Kimberly DeMoranville, and Ralph Macomber.

- Ms. McKinley entertained a motion to deny the animal amendment for a rooster, and to have Mr. Galego meet with said Board, Mr. Hardman motioned and Ms. Brodeur sending to send a letter to Mr. Galego denying his request for a rooster and requesting he meet with the Board of Health to discuss the care and up keep of the animals on his premises, as well as, the possible revocation of his animal permit. There will be an inspection conducted within 14 days of receipt of the notice to verify that the unpermitted rooster has have been removed and the manure pile has been relocated. It was voted 3-0 for the above motion.

RE: Cecil Smith Landfill update – Plat 72, Lot 6 Old Fall River Road – Preliminary CAD - comments – Ms. Henderson gave the Board of Health an overview of her review of the Corrective Action Design (CAD) as follows:

- final closure grading achieved by reusing soils or other materials approved by Mass DEP – this would include Comm-97 soils
- Phased closure and average of 50 trucks per day delivering materials
- Environmental Field Technician
- Hazardous material should be stored outside wetlands and Aquifer
- Nuisance (sound assessment) - Should we have a preconstruction sound assessment if the project is to move forward?
- Residual leftovers from solid waste processing
- C&D Fines and Residuals Handling Procedure

A brief discussion amongst the Board in regards to Ms. Henderson's comments regarding the CAD and requiring a baseline for sound, good record keeping at the site, and having Christine Leblanc comment on the "residual leftovers."

- The Board asked Ms. Henderson to send a letter outlining to BEC and DEP the concerns with the CAD.

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RE: COMM-97 materials enforcement – 61 Milton Street – LSP letter – Site List – Ms. Henderson stated no materials have been moved from 61 Milton Street site. Town Counsel has been in contact with Attorney Michael Kehoe who is representing the owner of 61 Milton Street and any communication will be coming from Town Counsel.

Ms. Henderson gave the Board a draft letter for “21 E site” landowners regarding the Board of Health Contaminated Soil/Regulations Comm-97 soils Hazardous Waste Remediation. Ms. Henderson stated there are approximately 17 sites this letter would be forwarded too.

- The Board agreed the draft letter should be sent to the landowners, but would like it to be sent to the site LSP’s of record as well.

Ms. Henderson had not heard from Dr. Wendy Heiger-Bernays in regards to the request letter the Board of Health sent her. Ms. Henderson will contact her this week to see if Dr. Heiger-Bernays is interested in helping with identifying other materials imported for landfill closure activities.

RE: Mary Mehri/Plat 1, Lot 5, 1176 Horseneck Road – Loose Chickens and Fencing– The Board reviewed Sandra Gosselin’s report on July 10, 2014, where she indicated that a snow fence had been erected on the north, and east side of the property. According to Ms. Gosselin’s report she had suggested Ms. Mehri use an electric fence to deter the chickens from going over the wall.

- Ms. McKinley entertained a motion, made by Mr. Hardman and seconded by Lynne Brodeur that because Ms. Mehri has not complied with the previous order to completely fence in her yard the Board of Health is revoking her animal permit to house chickens and roosters at 1176 Horseneck Road, and she must remove the chickens and roosters from the property within 14 days. It was voted 3-0, for the above motion.

RE: Public Health Nursing/Brandon Woods – Bullard Center- Ms. Henderson informed the Board that the contract with Brandon Woods was most likely signed at the Monday night’s Select Board meeting. The Community Nurses will be at the Bullard Center until August 31, 2014.

- No action required by the Board.

RE: Director of Public Health position – Discussion of candidate review and selection process – Invitation by Select Board for July 21, 2014 - Applicant spreadsheet – Select Board (invited) – Discussion of Land Use/Development Services function - The Board members discussed the invite from the Select Board to meet with them on Monday, July 21, 2014 to discuss the Proposed Realignment of Land Use/Development Service functions and to discuss filling the position of Public Health director. Due to vacation schedules and other commitments the Board will not be available and requested correspondence be forwarded to the Select Board requesting another date and time to discuss the Realignment of Land Use/Development Service, and a letter inviting the Town Administrator, David Cressman and Select Board members to be involved in the interview process of a new Director of Public Health based on the spreadsheet that had been created, discussed, and accepted by the Board to narrow the two candidates. The spreadsheet was based on the recommended minimum qualifications per the job posting.

- Ms. McKinley, chair entertained a motion to send a letter to the Select Board, the motion was made by, Mr. Hardman to send a letter to the Select Board requesting another date and time to meet with them, seconded by Lynne Brodeur. It was voted 3-0 to send a letter to the Select Board to discuss the Realignment of Land Use/Development Service.
- Ms. McKinley, chair entertained a motion to send a letter to the Select Board extending an invitation to David Cressman, Town Administrator to join the Board of Health for the interview process based on the spreadsheet that had been created to narrow down the two candidates, the motion was made by, Mr. Hardman to send a letter inviting David Cressman, Town Administrator and Select Board members to join the Board of Health for the interview process

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for a new Director of Public Health, seconded by Lynne Brodeur. It was voted 3-0 to send a letter to the Select Board to ask the Town Administrator to participate in the Director of Public interview process.

RE: Septic Plans –

- Michael Gagne/Plat 34, Lot 10, 718 Russells Mill Road
 - Estate of Adolf Przybyla/Plat 45, Lot 17, 252 Chase Road
 - Carl & Tracy Beckman/Plat 24, Lot 10-2, Gaffney Road – well location
 - Jennifer Couto/Plat 73, Lot 27, 28-1, High Hill Road – note regarding bedrooms
 - Jason Couto/Plat 73, Lot 28, High Hill Road
- It was the consensus of the Board members that if there are no waivers or variances a list of septic plans will be placed on the agenda stating approved no action required by Board of Health as with the above aforementioned septic plans.

RE: Complaint log from 6/24/14 – 7/11/14- The Board reviewed and discussed the complaints before them regarding:

- 26 Striper Circle – animal complaint
 - 105 Stephen Street – animal complaint
 - 155 Old Fall River Rd – pitbull attacked dog
 - 12 Mohawk Drive – tall grass and unkept pool
- No action required by the Board for any of the above mentioned complaints at this time.

RE: BJs Wholesale- The Board of Health discussed tobacco sales being sold at B.J. Wholesale Club, Inc. #23. It was brought to the attention of the Dartmouth Board of Health through email sent to Ms. Henderson that BJ's Wholesale Club, Inc. #23 in Dartmouth, MA has an optical department which would qualify this establishment as a "health care institution". The Board of Health had previously voted at their meeting of July 17, 2012, to prohibit the sale of tobacco at any health care institutions. This prohibition went into effect January 01, 2013

- Ms. McKinley, chair entertained a motion made by, Mr. Hardman and Ms. Brodeur seconding to send a letter to BJ's Wholesales, Inc. # 23 that the Board of Health will allow BJ's Wholesales, Inc. # 23 to retain their current tobacco permit until the end of the year 2014, but will not be renewing BJ's Wholesales, Inc. #23 tobacco permit for 2015 and going forward as long as the facility has an optical shop or other health care operation contained in the facility. It was voted 3-0, to send BJ's Wholesales, Inc. #23 a letter as stated above.

RE: Planning Board Zoning By-Law Amendments Wendy W Henderson – Ms. Henderson informed the Board about Planning Board Zoning By-law amendments to the OSRD/Aquifer By-Law. After a brief discussion, the Board suggested to eliminate the wastewater flow requirements and references from the Aquifer By-law entirely, so not to have duplicate oversight and permitting requirements.

- Ms. McKinley, chair entertained a motion made by, Mr. Hardman and seconded by Ms. Brodeur to send a letter to the Planning Board to remove the wastewater restrictions from the from the Aquifer By-law. It was voted 3-0 to send a letter to the Planning Board.

RE: Proposed non-criminal fines By-Law - amendment- The Board reviewed a memo prepared by Health and Sanitary Inspector, Christopher Michaud regarding Dartmouth Guest Establishment Regulations non-criminal citations enforcement to be placed as an article on the Fall Town meeting. The Board commended Mr. Michaud for his hard work and agreed to have an article placed on the Fall Town meeting for non-criminal citations for Dartmouth Guest Establishments in accordance with the proposal.

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- Ms. McKinley, chair entertained a motion made by, Mr. Hardman and seconded by Ms. Brodeur to have the Dartmouth Guest Establishment non-criminal citations placed on the Fall Town meeting. It was voted 3-0.

RE: Massachusetts Animal Coalition's "I'm Animal Friendly" – grant for spay and neuter – The Board perused the grant awarded to the Dartmouth Animal Control.

- No action required by the Board.

RE: Department of Public Works – Town meeting language for PEF –NPDES permit- The Board perused the email sent to Ms. Henderson regard NPDES permit. Ms. Henderson stated the Town is pushing this along and wanted the Board to be aware of the looming restrictions EPA will be imposing at substantial cost to the Town.

- No action required by the Board.

RE: Health Resource Suggestion- The Board perused the email sent to Ms. Henderson from Lynette Zilio Public Outreach Mesothelioma Center at Asbestos.com. The Board at this time doesn't want to take any action.

- No action required by the Board.

RE: Beach Testing- The Board perused the recent beach testing results. Results of the Beach testing have been good.

- No action required by the Board.

RE: Janice Young and Christopher Michaud – inspector's report- The Board perused the Health Inspector's reports. The Board noted that documentation should be submitted to the department from applicants on their intentions in writing to provide clear documentation of approved operations.

- No action required by the Board.

RE: Director's report- Ms. Henderson gave the Board a verbal report that the Dartmouth Pathway Committee is moving along and there will be placements of bike racks at area schools and parks. Ms. Henderson also mentioned she has received the Police Departments air quality report from Department of Public Health. Ms. Henderson briefly explained a repair and maintenance plan will need to be developed, including maintaining all air handling filters two to four times a year.

- No action required by the Board.

RE: Discussion of any item not known 48 hours in advance – Ms. McKinley informed the Board members that she had been contacted by Michael Watson, Chairman of the Select Board. Mr. Watson had spoken to Ms. McKinley about the hiring of the new Director of Public Health. Ms. McKinley informed Mr. Watson that the Town Charter clearly states that the Board is responsible for the hiring of a new Public Health Director. Mr. Watson informed Ms. McKinley that the Select Board wants to make an example out of the Board of Health. Ms. McKinley explained that the Board of Health has done their due diligence and had gotten the Town Administrator, David Cressman involved in the process six months ago when Ms. Henderson had informed them of her retirement.

Mr. Watson explained the Select Board determines the salary and compensation for the new Director of Public Health. Mr. Watson asked Ms. McKinley if Ms. Henderson could stay on a little longer to be able to get a search committee. Ms. McKinley told Mr. Watson she wouldn't ask Ms. Henderson to stay longer.

- The Board suggested sending a letter to the Select Board inviting Town Administrator, David Cressman to be involved in the interview process for a new Director of Public Health.

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RE: Stetson Trust- The Board signed the Stetson Trust quarterly bill from April to June 2014.

- Action of the Board was to sign the quarterly bill.

RE: Board Signatures – Leslie E.J. McKinley signed Ms. Henderson’s Form C Employee Absentee Report vacation requests and Stetson Trust quarterly bill.

At 8:20 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.

The Chair polled the Board for a roll call vote to convene into Executive Session (and close the regular Board meeting) at 8:22 p.m. to discuss approval of Executive Session minutes pursuant to M.G.L. Ch. 30A, Sec 21: Chair Leslie E.J. McKinley, yes; Lynne Brodeur, yes; Thomas W Hardman, yes

Respectfully submitted,

Donna Farias
Administrative Clerk