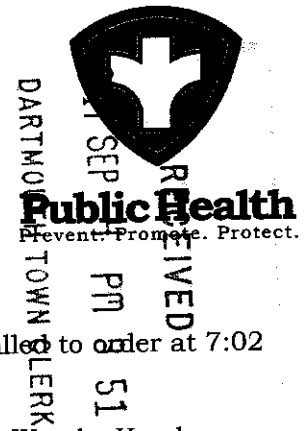




**Town of Dartmouth  
Board of Health  
Minutes of the Meeting of  
06 August 2014**



The meeting notice was duly posted. The Board of Health meeting was called to order at 7:02 p.m. on August 06, 2014 in room 315.

Leslie E.J. McKinley, Chair, and Thomas W. Hardman were present. Wendy Henderson, Director of Public Health and Health and Sanitary Inspector/Director of Public Health as of September 2, 2014, Christopher Michaud was also present. Absent Lynne Brodeur

The Minutes of the meeting of July 16 and 29, 2014 were approved as amended.

RE: 7:10 PM - 492 Reed Road - Plat 163, Lot 8, Kevin Galego - Public Hearing on animal permit amendment request - Mr. Galego informed the Board that he removed the rooster from the property. Mr. Hardman commented that the animals on the property are not owned by Mr. Galego. Mr. Hardman has a problem with someone having animals under Mr. Galego's permit. Mr. Hardman feels there are too many animals on this property. The Board discussed with Mr. Galego about what they believe is a fair amount of animals for him to have on his permit.

- With Mr. Hardman motioning to grant an amended animal permit for 1 horse and 8 fowl and Ms. McKinley seconding. Mr. Hardman also motioned the remaining 2 horses will need to be removed from the property by September 30, 2014, with Ms. McKinley seconding. It was an unanimous decision to allow Mr. Galego 1 horse and 8 fowl and to remove the remaining horses by September 30, 2014.

RE: 7:20 PM - Alysha Hickley and Ryan Vidinha - Proposal to bring Professional Body Piercing to Dartmouth- Alysha Hickley (owner), Ryan Vidinha (owner), Josh Genatossio (tattoo artist), Ryan Clark (piercing artist) were present to address the Board regarding the Body Piercing proposal for Dartmouth. The applicants are looking to amend the regulations to be able to pierce other areas of the body not prohibited within the Dartmouth Board of Health Body Art Regulations. The Board would like more of an opportunity to review the proposal and would like to have all members present before they render their decision. The Board did ask Ryan Clark (piercing artist) where he currently works in Fall River, MA and does he pierce under the age of 18 years old. Ryan stated he does piercing with parents' consent, with the appropriate documents signed by the parent.

- There was further discussion on procedure and safety. The Board thanked the applicants for coming and invited them back to their September 3, 2014, meeting. This will give the Board more time to read the material and hopefully have all Board members present.

RE: Director of Public Health position/Discussion of candidate interview and meeting with Select Board on August 4, 2014- Ms. McKinley commented that on Monday, August 4, 2014, at the Select Board meeting the two candidates met with the Board of Health and the Select Board. Ms. McKinley is pleased to announce that Christopher Michaud, Health and Sanitary Inspector will become the new Director of Public Health once Ms. Henderson retires at the end of the month. After the Select Board meeting, they went into executive session to discuss Mr. Michaud's compensation package. Ms. McKinley asked if Mr. Michaud had received his letter. Mr. Michaud at the time of this meeting had not.

Ms. Henderson mentioned there has been an internal posting for the part-time Animal Control Assistant, but there will need to be an external posting as well.

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

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RE: Land Use/Development Services function & Select Board invitation for August 25, 2014 meeting/Planning Board Letter dated July 22, 2014- Ms. Henderson reviewed the CAD filing.

Mr. Hardman feels if there had been issues with certain departments why the Select Board didn't bring this to someone's attention before now. Mr. Hardman is concerned that there could be problems with someone giving misinformation with this potential cross training.

- Mr. Hardman offered to put a letter together and would email it to Ms. Henderson, so she could forward it to the other members for comments. Ms. Henderson asked if the Board wanted the staff to attend the August 25, 2014, Select Board meeting. The Board agreed it would like to have letter drafted.

RE: Cecil Smith Landfill update -Plat 72, Lot 6 Old Fall River Road - Prelim CAD comments/DEP letter: Determination of Administrative Completeness- Ms. Henderson will review and comment on the CAD filing.

Ms. McKinley spoke with Town Counsel Anthony Savastano to see if they were able to move the lawsuit from Plymouth County to Bristol County. Town Counsel may not know anything until October.

- Nothing further required by the Board of Health at this time.

RE: COMM-97 materials enforcement/61 Milton Street/LSP/Property owner letter/Wendy Heiger-Bernays update- Ms. Henderson stated that there was a meeting scheduled in regards to the BEC request for any correspondence or action relative to Comm-97 enforcement.

Mr. Michaud had been to 61 Milton Street and no new activity was observed.

The letters to the LSP and property owners have been sent. Ms. Henderson has received a couple of emails, which she had forwarded to Town Counsel. Ms. Henderson returned the LSP's email to explain the material would need to be diverted around Dartmouth; unless it was for disposal only.

Ms. Henderson has reached out to Ms. Heiger-Bernays, but has not heard from Ms. Heiger-Bernays. Ms. Henderson will try again. Since she will be on vacation, she will ask Ms. Heiger-Bernays contact Ms. McKinley.

- Nothing further required by the Board of Health at this time.

RE: Zoning Board of Appeals Notice of Public Hearing/Cingular Wireless - Allen Street, Gulf Road-

Ms. McKinley wanted this on the agenda so the Board members would have the current information on the cell towers. Ms. Henderson commented that health impacts can't be part of the decision despite a growing wealth of studies documenting real concerns. Mr. Hardman doesn't feel the Board should do anything right now.

- Nothing further required by the Board of Health at this time.

RE: Draft Supplemental Title 5 Regulations - The Board perused the updated Supplemental Title 5 Regulations. The following were the sections where changes had been made:

- **Section 15.004: Applicability**
- **Sectin 15.025: Enforcement by Approving Authorities**
- **Section 15.100: General Provisions**
- **Section 15.215: Designation of Nitrogen Sensitive Areas**
- **Section 15.241: System Venting**
- **Section 15.290: Shared Systems**

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- Mr. Hardman motioned to send the revised Supplemental Title 5 Regulations to Town Counsel Anthony Savastano for his review, with Ms. McKinley seconded the motion. It was an unanimous decision to forward the Regulations to Town Counsel.

RE: Police Station – update- The Board discussed the recent report from the Department of Public Health. The Board felt this would be a good opportunity to work with the Select Board on the issues at the Police Station.

- The Board would like Ms. Henderson to contact Paul Murphy, Director of Inspectional Services to get his thoughts on the issue with the Police Station.

RE: Mary Mehri/Plat 1, Lot 5, 1176 Horseneck Road – update- Ms. McKinley stated the clerk had contacted her that Ms. Mehri's lawyer would like to meet with the Board and have the Agricultural Commission mediate the situation. Ms. Mehri's lawyer wanted to make sure Ms. Mehri would not incur fines. Ms. McKinley informed the Board that she instructed the clerk to inform Ms. Mehri's attorney that she would waive the fines. Ms. McKinley stated the Dartmouth Animal Regulations, state that any agriculture-related issue, which would benefit from a mediation process, should be referred to the Dartmouth Agricultural Commission.

- Mr. Hardman motioned to send a letter to the Agricultural Commission asking them if they would attend the Boards September 3, 2014, meeting to help mediate the situation seconded by Ms. McKinley. It was voted unanimously to send a letter to the Agricultural Commission.

RE: Susana Gouveia/Plat 64, Lot 10, 1346 Old Fall River Road –update -

- No action at this time by the Board of Health. Dartmouth Animal Control will be conducting an inspection next week to see if the animals have been removed from the property.

RE: Public Health Nursing/Brandon Woods – Bullard Center- Ms. Henderson informed the Board that the contract has been signed. The Community Nurses will be moved out of the Bullard Center by August 23, 2014. A walk through of the building is scheduled for August 25, 2014, and Brandon Woods of Dartmouth would like to have their electronic equipment in by September 1, 2014. Ms. Henderson and Mr. Michaud are meeting with Terry Larson and Jillian Corbean next Tuesday.

Ms. McKinley mentioned the Quinn Elementary School nurse has resigned, and the Director of Special Education, Elizabeth Cabral-Townson is overseeing the school nurses.

- The Board would like to send a letter to invite Terry Larson and Jillian Corbean, and the Director of Special Education to the next Board of Health meeting.

RE: Stephaney Santiago resignation letter/Internal job posting for Administrative Clerk- Ms. Santiago gave her resignation and her last day is August 8, 2014. The job has been internally posted and the last day for the posting is August 8, 2014. The potential for hiring a temporary clerk was discussed.

- The Board offered their support with the interview process to both Ms. Henderson and Mr. Michaud. Nothing further at this time.

RE: Complaint Log from 7/14/2014-7/31/2014-

- The complaint log was reviewed and Mr. Michaud informed the Board that DEP and DAR are pleased with Double S Farm in regards to the composting. Double S has not received their composting registration yet. No action required by the Board at this time.

RE: Anthony Lobo/Plat 137, Lot 137, 114 Milton Street- The Board perused and discussed Mr. Lobo's application requesting to have 12 chickens and 1 rooster on a half-acre of property.

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- Mr. Hardman motioned to grant Mr. Lobo a permit for 8 chickens and no roosters with Ms. McKinley seconding the motion. It was an unanimous decision of the Board 8 chickens and no roosters.

RE: Administrative issue regarding orders (signatures)- Ms. Henderson explained there are certain orders that include the Boards signatures, but it possibly puts the Board in a precarious situation. Ms. Henderson suggested having either the Director or the health agent sign the letters.

- The Board was unanimous have Ms. Henderson contact Town Counsel for his opinion.

RE: Christopher Michaud inspector's report- The Board perused Mr. Michaud's inspector's report. Residents from Bellevue Street who are interested in tying into town sewer were present. Mr. Michaud told them there was an informational meeting on July 31, 2014, in regards to the sewer on Bellevue Street. David Hickox, Director of Public Works had advised owners that due to sewer being available on Sylvia Street the residents on the north side of Bellevue Street will not be included in the betterment assessment. Once sewer is established for all or part of the street, Mr. Michaud stated the voting will begin with two thirds approval needed for the project to go to Fall Town meeting. Mr. Hardman commented that the Board is encouraging this. Ms. Henderson informed the residents there is a waiver for tying into sewer if available, as long as, the banks are aware of the cost.

Mr. Michaud informed the Board the Poole Burial Lot on Map 66, Lot 13 on Hixville Road was brought to his attention by some residents. There are approved septic systems for lots 4 and 5, as well as a well has been installed on lot 5 prior to this discovery. The developer, Christopher Brown from Aspen Properties, is aware and investigating the location through historic records. There is a meeting scheduled for next Wednesday to discuss what the engineer has found. Massachusetts Historical has also been contacted. Mr. Hardman stated this isn't a Board of Health issue. Mr. Michaud explained that the Planning, and Building departments are also involved. The statute states that one could be punished if someone disturbs burial grounds.

Ms. McKinley asked if the Board needed to get involved with the Zoning By-law proposal for Contaminated Fill. Mr. Michaud explained it is still under development and Town Counsel is opposed and will be meeting with the Planning Board.

- No action required by the Board at this time.

RE: Janice Young inspector's report Mad Good Cookie Company- The Board perused and discussed Health and Sanitary Inspector, Janice Young's timeline for Mad Good Cookie Company. Ms. Henderson informed the Board Ms. Young gave her an update that Ms. Young was at the Farmer's Market and Mr. Piwowarczyk's son was telling customers the cookies had just been made that morning up the street. Ms. Young had spoken with the chef at the New Bedford Country Club, and was informed Mr. Piwowarczyk was seen once bringing in the batter and cooked the cookies and on July 17, 2014, Mr. Piwowarczyk's contract was terminated with the New Bedford Country Club. Furthermore, Ms. Young was informed that Mr. Piwowarczyk's website states he sells his cookies in New Bedford at the N.B. Yacht Ferry Terminal. Ms. Young contacted Mary the Health Inspector for the City of New Bedford Board of Health that Mr. Piwowarczyk privileges had been revoked from the New Bedford Country Club to operate there. It would be Ms. Young's recommendation to the Board that Mr. Piwowarczyk's permit be revoked.

- Mr. Hardman motioned to revoke the Food Service Establishment permit issued to Mr. Piwowarczyks, with Ms. McKinley seconding the motion. It was an unanimous decision to revoke the current permit.

RE: Heroin-working with New Bedford Police and Dartmouth Police Department- Ms. McKinley explained Ms. Brodeur (who was absent from this meeting) would like the Board of Health to work with both New Bedford and the Dartmouth Police Department, since heroin overdose in the Town of Dartmouth is at approximately 60 percent. The Dartmouth Police Department currently

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doesn't have the antidote Narcan to give to someone if they have overdose on heroin. Ms. Henderson feels that the ambulances in town have this available to administrator.

- The Board would like Ms. Henderson to contact the Dartmouth Police Chief to see if the Board can help move this along to have the Dartmouth Police have available to them the Narcan and training to administrator the antidote.

RE: Massachusetts Department of Public Health – Ebola clinical advisory-

- This was for information purposes only for the Board.

RE: Dog Citations- Ms. Henderson had a meeting with the Town Clerk, Animal Control and Town Administrator, David Cressman about the dog citations. The Clerk was upset she can't void tickets and wants something in writing to allow her to void tickets.

- No action required by the Board at the time.

RE: Community Nurse & Hospice Care Public Health Statistics – June 2014-

- The Board perused the Statistics and no action is required at this time by the Board.

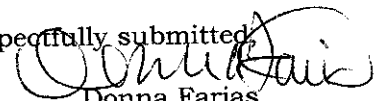
RE: Beach Testing Results-

- The beach results were reviewed and no action required by the Board at this time.

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

At 9:30 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, Leslie E.J. McKinley - yes.

Respectfully submitted,



Donna Farias  
Administrative  
Clerk