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DARTMOUTH TOWN HALL



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DARTMOUTH BOARD OF HEALTH
DARTMOUTH TOWN HALL- ROOM 315 - 6 P.M.
MEETING MINUTES - Wednesday, October 15, 2014

The meeting notice was duly posted. The Chair polled the Board at 6 PM for a roll call vote to convene into Executive Session at 6:00 PM with Anthony Savastano, 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

At 6:41 p.m. Leslie E.J. McKinley, Chair entertained a motion to close Executive Session and go into the regular Board of Health Meeting by roll call vote -Thomas W. Hardman - yes, Lynne Brodeur - yes, Leslie E.J. McKinley-yes.

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

The minutes of the meeting of October 01, 2014 were approved as amended by Leslie McKinley, chair, Lynne Brodeur, and Thomas W. Hardman.

6:45 PM Jayesh Patel, Owner/Town Liquors/Tobacco Suspension Hearing- Yogi Patel from Town Liquors was present. Mr. Patel had submitted a request for a continuance, so he could have his counsel present. Mr. Patel stated that he only had four days from the time he received the letter to prepare for this meeting. The Board expressed their concern with the second violation of selling Tobacco to a minor within the past nine months. The Board explained to Mr. Patel that he could have his tobacco permit suspended for seven days as provided in the regulations, or wait until the next meeting to meet with the Board. Mr. Patel reiterated that he would like to have his counsel present. Mr. Michaud, Director of Public Health noted that under the regulations there is no prescribed time frame for notification and a ten day period when Mr. Patel could appeal.

- Thomas W. Hardman motioned and seconded by Lynne Brodeur to continue this matter to November 5, 2014, to allow Mr. Patel to have his counsel present.

7:00 PM Aimin Lin, President/Peking Garden Buffet/ 33 Faunce Corner Road - Attorney Walter Smith was present to represent Peking Garden Buffet along with Betty Lin, wife of Aimin Lin. Attorney Smith explained his client is willing to work with the inspector for additional training. Attorney Smith stated that Mr. Lin has been away on a business trip, and Bing Lin is in charge when he is away. A brief discussion ensued about the seriousness of improper holding temperatures, reasonable quantities of food being prepared at one time, and additional training of staff. Mr. Michaud expressed that the staff has demonstrated a lack of understanding of the science behind food safety. Mr. Michaud suggested having Sam Wong come down to Peking Garden for a refresher course with the staff. Mr. Hardman suggested Peking Garden come up with a protocol, and prepare smaller amounts of food at all phases of the operation. Mr. Michaud will contact Mr. Wong to see if he is available or knows of someone who could assist the staff of Peking Garden, and would get that information to Attorney Smith.

- Thomas W. Hardman motioned and seconded by Lynne Brodeur to have Peking Garden get additional training before December 31, 2014, and have Health and Sanitary Inspector, Janice Young conduct another inspection prior to the release of Peking



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Garden's 2015 Food Service permit. It was a unanimous decision of the Board to require Peking Garden to get additional training and have the Health and Sanitary Inspector conduct another inspection prior to the release of Peking Garden's 2015 Food Service permit.

7:25 PM Draft Supplemental Title 5 Regulations - Public Hearing- Leslie E.J. McKinley opened the public hearing at 7:25 PM. Mr. Michaud explained that Brian Cruise, Assistant Town Counsel made the edits to the Supplemental Title 5 Regulations that were suggested at a previous meeting. The Board perused the Supplemental Title 5 Regulations and no comments were offered.

- Leslie E.J. McKinley entertained a motion to close the public hearing at 7:27 PM. Thomas W. Hardman motioned and seconded by Lynne Brodeur to accept the Supplemental Title 5 Regulations as written. It was a unanimous decision to accept the changes to the Supplemental Title 5 Regulations.

Land Use/Development Services function & Select Board- Discussion amongst the Board members ensued on whether they wanted to support the Planning Board's suggestion to amend the article, or not support that portion of the article all at the Fall Town Meeting. Ms. McKinley wanted to know if she had the rest of the members support if she was to support Planning Board's proposal. The Board members fully support Ms. McKinley on either supporting the Planning Board proposal, or not supporting that portion of the article at all. The Board would like to see the compensatory hours that the Select Board was referring too at the joint meeting several weeks ago.

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

Wendy Heiger-Bernays - verbal update- Mr. Michaud, Director of Public Health will be meeting with Ms. Bernays to discuss her review of additional material that maybe cause for concern. Mr. Hardman offered to go along with Mr. Michaud.

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

Flu Clinic - verbal update - Rite Aid will be holding a flu clinic on Tuesday, October 21, 2014 from 5:30 PM to 7:15 PM at the Dartmouth High School in conjunction with Fall Town meeting. Dartmouth Public Health Nurse and nurses from Brandon Woods of Dartmouth will be holding the Town flu clinic on Wednesday, October 22, 2014, from 10 AM to 12 PM at the Dartmouth Council on Aging.

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

Personnel vacancies - Assistant Part-time Animal Control Officer and Health and Sanitary Inspector positions- Mr. Michaud informed the Board there are still a couple of people interested in the part-time Assistant Animal Control Officer position. Mr. Michaud is working on exploring other



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alternatives for the part-time Assistant Animal Control position. Hopefully by mid-November they will be able to hire someone.

Mr. Michaud explained that Courtney Cohen has accepted the Health and Sanitary Inspector position, but has some concerns about some verbage in the Dartmouth Town Employees Associations contract. Mr. Michaud is hoping to get clarification for Ms. Cohen.

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

Septic System Plans

Septic System Plans -

- Else A. Wright, Successor Trustee/Plat 29, Lot 8, 143 Bakerville Road - Waiver Request from 310 CMR 15.212 - separation to groundwater
- Thomas W. Hardman motioned and seconded by Lynne Brodeur to approve the septic system plan with a three foot separation to groundwater, local upgrade approval, and to require a deed restriction limiting the home to three bedrooms. It was an unanimous decision of the Board of Health.

Complaint log from 09/29/2014 - 10/09/2014- Complaints were perused by Board.

- No action required by the Board of Health at this time on the complaints from September 29 to October 09, 2014.
- No action on 229 Bakerville Road due to the number of acres, pursuant to the Dartmouth Board of Health Animal Regulations.

Chuck Foster/389 Slocum Road/request to delay sewer tie in- The Board perused a letter from Mr. Foster asking the Board if he could delay connect into the Town Municipal sewer. The Board briefly discussed Mr. Foster's request.

- Thomas W. Hardman motioned and seconded by Lynne Brodeur to give Mr. Foster until December 31, 2014, to connect to the Town Municipal sewer. It was an unanimous decision of the Board of Health to allow Mr. Foster until December 31, 2014, to connect to Municipal sewer.

Community Nurse & Hospice Care/Public Health Statistics - September 2014- For informational purposes only.

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



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Dartmouth High School Band Noise Complaint forwarded from MASS DEP- Attorney Walter Smith was present to represent the Dartmouth School Committee. Attorney Smith informed the Board they are aware of the complaints about the noise generated from the Dartmouth High School band practice from one neighbor. Attorney Smith has been to court regarding this issue. The judge ruled that the property can be used for educational purposes. Attorney Smith noted that band practices by 9 PM. Mr. Michaud explained he had received a call from Massachusetts Department of Environmental Protection (MASS DEP) that they had received a complaint about the noise. Massachusetts Department of Environmental Protection isn't taking any action and referred it to the local Board of Health. Attorney Smith explained that the band practices outdoors is limited to August through November.

- It was the decision of the Board not to take any action at this time.

Fee schedule - discussion and revisions- Mr. Michaud felt with the differences in tattooing versus piercing, fees for each type of body art should be designated accordingly. Mr. Michaud suggested doing research on the Body Art fees which may require adjustments.

Mr. Michaud noted that he has been working with Health and Sanitary Inspector, Janice Young on Food Services fees and expects to bring something back before the Board in the near future.

Mr. Michaud explained that under the motel regulations the fee for the submission of each application shall be \$50, as provided in Massachusetts General Laws, Chapter 140, Section 32B and the approval of Article 23 of the May 23, 1995, Dartmouth Annual Town Meeting. Mr. Michaud would like to include the following fees for motel(s):

- Plan review fee: \$360
- *Inspection fees:
**Designation of inspection types as set forth in the Guest Establishment Regulations.*
- Inspections for amendment applications or license suspension \$50 per hour
- Base inspection rate for the first 25 rooms \$450
- Per room rate in excess of 25 rooms \$15

Mr. Michaud feels this fee adjustment will bring the department close to what it was over a year ago with motel fees.

Mr. Michaud suggested having a fee of \$360 for Underground Fuel Storage Tank Variance Applications. Mr. Michaud informed the Board members that the Fire District collects inspection fees. There is some concern with the Fire Chief with how the regulations read on assignment of duties. In Mr. Michaud's opinion the regulations do need some updating.



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- Thomas W. Hardman motioned and seconded by Lynne Brodeur to accept the proposed fee changes as suggested by the Director of Public Health. It was an unanimous decision to update the fee schedule as of October 15, 2014.

Janice Young inspector's report- The Board reviewed a memorandum from Health and Sanitary Inspector regarding complaints she has received regarding a dog being in the kitchen area of the Dartmouth Cedars.

- Thomas W. Hardman motioned and seconded by Lynne Brodeur to send a letter to the Dartmouth Cedars advising that animals aren't allowed in the kitchen, and to submit a proposal to keep the dog out of the kitchen as a permanent solution to the Board of Health within 30 days. It was an unanimous decision of the Board of Health.
- The Board perused a memorandum from Health and Sanitary Inspector, Janice Young regarding Gumbo's Restaurant and some violations for lack of cleaning. No action required by the Board of Health at this time.

Director's report- The Board perused Mr. Michaud's report. Mr. Michaud informed the Board he had a meeting with the DPD, STAT Ambulance, UMass Dartmouth, Dartmouth schools and a few others regarding first responder concerns over exposure to the Enterovirus and Ebola. Mr. Michaud will commence with Hotel/Motel and Soil Board inspections once the new inspector starts in November. Mr. Michaud mentioned that supplementary Tobacco Control compliance checks have been conducted, and there have been some additional violations.

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

Discussion for any item not know 48 hours in advance-

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

At 8:25 p.m. Leslie E.J. McKinley, Chair entertained a motion to close the regular Board of Health Meeting. Roll call vote - Lynne Brodeur - yes, Thomas W. Hardman - yes, Leslie E.J. McKinley - yes.

Respectfully submitted

Donna Farias
Administrative Clerk