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DARTMOUTH TOWN CLERK



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DARTMOUTH BOARD OF HEALTH
DARTMOUTH TOWN HALL- ROOM 315 - 7 P.M.
MEETING MINUTES - Wednesday, January 14, 2015

The Chair polled the Board at 6:31 P.M. for a roll call vote to convene into Executive Session with Anthony Savastano, Town Counsel regarding Tobacco Suspension complaint by Attorney Joseph Fingless and 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 7:01 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.

The meeting notice was duly posted. The Board of Health meeting was called to order at 7:01 P.M. on January 14, 2015 in room 315.

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

The minutes of the meeting of December 17, 2014 were approved as amended by Leslie E.J. McKinley, chair, Lynne Brodeur and Thomas W. Hardman.

7:10 P.M. Vincent Frary/Copicut Farms - Piggery permit application- The Board entertained questions from Jeff Douglas a town resident who was present to learn about the process of obtaining a piggery permit. The Board thanked Mr. Douglas for being proactive about inquiring what he needs to do to have a licensed piggery on his property.

In the matter at hand, the Board reviewed Copicut Farms application to increase the number of swine from 20 pigs to two groups of 30 pigs totaling no more than 60 swine at any one time Copicut Farm.

➤ ***Thomas W. Hardman motioned to approve Copicut Farms request for two groups of 30 pigs and not to exceed 60 pigs at any one time, seconded by Lynne Brodeur, and motion made unanimous by Ms. McKinley.***

Town Liquors- Tobacco sales permit- Ms. McKinley asked Anthony Savastano, Town Counsel to address the Board, and Attorney Joseph Fingliss, Jr. who was present to represent Jayesh Patel, owner of Town Liquors, and Jayesh Patel.

Town Counsel apologized for the late notification of this meeting to Attorney Fingless. Town Counsel discussed how the Board is revising its tobacco regulations. Town Counsel noted problems due to the issuance of some citations for the sale of tobacco products to minors being issued by an independent contractor who conducts the inspections for the Board of Health. The violations were issued to Jayesh Patel who is not listed on the 2014 Annual Tobacco Sales Permit Application, as Owner for the Corporation to which the Permit was issued. Anthony Savastano, Town Counsel would recommend the Board withdraw their previous vote of November 5, 2014.



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➤ ***Thomas W. Hardman motioned to withdraw the vote taken on November 5, 2014, in which vote the Board found "that sales of tobacco products to someone under the age of 18 did occur on two separate occasions within 24 months and, in keeping with the provisions of Section VI of the Town of Dartmouth Board of Health Tobacco Control Regulations affecting 'Youth Access to Tobacco Products', the Tobacco Sales Permit for Town Liquors, shall be suspended for a period of seven (7) consecutive calendar days. The suspension shall begin on Monday, November 17, 2014 at 9:00 a.m. and conclude on Monday, November 24, 2014 at 9:00 a.m.", seconded by Lynne Brodeur and motion made unanimous by Ms. McKinley.***

Attorney Fingliss, Jr. expressed his appreciation for the work the Board of Health does, and he does not want to have his client back in front of this Board.

Development Services function & Select Board - verbal update- Mr. Michaud summarized recent committee meetings. Mr. Michaud provided the Board with a revised plan outlining the new design of the third floor, and the cost estimate of the project. The Board discussed potential issues once work commences, and the age of building. Mr. Michaud mentioned this committee being put together to discuss the layout of the third floor. It was unanimous decision of Board that employees on the committee should not be asked or told to support the funding of this project.

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

Inn Holder's Regulations- The Board reviewed the Inn and Innholder Regulations that Mr. Michaud presented to them. The only establishments that will be affected by Inn Holder's Regulations would be guest establishments that serve food. The Board had no comments.

➤ ***Thomas W. Hardman motioned to accept the Innholder Regulations as written seconded by Lynne Brodeur, and motion made unanimous by Ms. McKinley.***

Dartmouth Board of Health Local Regulations/Draft Livestock Regulations- The Board perused the draft Livestock Regulations that Mr. Michaud has been working on. Mr. Michaud described these regulations as unique and different from the Piggery Regulations. The Board suggested sending a memorandum to the Agricultural Commission asking for their comments on the draft Livestock Regulations. It was suggested to provide the Agricultural Commission with a timeframe for comments because the Board would like to proceed with redrafting the regulations.

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



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Assistant Part-time Animal Control schedule - verbal - Mr. Michaud informed the Board that the Emergency call out proposal has been implemented with limitations. There will be a posting but the posting will be limited to Dartmouth Town Employee's Association members. Mr. Cressman during the next contract negotiations will try to expand this outside the union.

➤ ***No further action required by the Board at this time.***

Septic System Plans

Septic System Plans - requiring no action of the Board

- Chad Labelle/Plat 20, Lot 47-2, Gentry Lane
- Ron Oliveira/Plat 59, Lot 17-17, 2 Digger Drive
- Michael Camara/Plat 25, Lot 1-6, Ledgemonet Lane

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

Septic System Plans - requiring action of the Board

- Paul Pabis/Plat 42, Lot 127, and 2 College Lane - upgrade- reduction in separation to groundwater - The Board members discussed the proposed reduction in groundwater separation from 6 feet to 5 feet.

➤ ***Thomas W. Hardman motioned to approve the reduction from 6 feet to 5 feet between the bottom of the soil absorption system and the estimated seasonal high groundwater elevation as designed, seconded by Lynne Brodeur, and motion made unanimous by Ms. McKinley.***

Granite City Crushing, Inc/DEP Notice of Noncompliance - This document was provided for informational purposes and was briefly reviewed by the Board.

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

Betterment Policies and Fees Adjustments- Mr. Michaud explained that the previous betterment process never had any performance standards. Furthermore, due to deficiencies of the program there have been a number of people who have signed up for funding, but have failed to complete the process. Mr. Michaud would like to implement a 90 day performance period for anyone who is interested in signing up for the betterment program. The intent is to prevent applications from becoming burdensome, and to have the applicants finish the process expeditiously once they application for the betterment is approved.

➤ ***Lynne Brodeur motioned to approve the new Betterment Policy Proposal, seconded by Thomas W. Hardman, and motion made unanimous by Ms. McKinley.***



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Motel inspections and status- Mr. Michaud stated there were no significant problems with the motel inspections. Mr. Michaud informed the Board that the Capri is actively evicting long term occupants due to the Guest Establishment regulations. Mr. Michaud advised the Capri that if the occupants are still on site by the end of the month to notify the Board of their eviction attempts, which will show a good faith effort to comply. Mr. Michaud mentioned Dartmouth Motor Inn having the highest occupancy rate, so they were only able to inspect a limited number of rooms. Mr. Michaud did remind management of the maximum stay provision. As for the Regency Inn, the only concern was how the coffee cups, drinking glasses, and coffee pots were being cleaned.

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

Collaborative Grants with the City of New Bedford/opioid/Underage Alcohol Use/Grant application - Mr. Michaud informed the Board of a lecture he attended at Bishop Stang High School which discussed an array of topics contributing to substance abuse and mental health, and how informative he found the presentation. Mr. Michaud stated he would like to have this informative discussion in Dartmouth School's on opioids, drugs, and alcohol use. Mr. Michaud explained the Director of Public Health for the City of New Bedford would like to apply for a grant that could include Dartmouth called "Proud Southcoast". This grant will be used for education and activities to help prevent underage drinking and drug use.

➤ ***Lynne Brodeur motioned to support and sign onto the "Proud Southcoast" grant application with the City of New Bedford to help prevent underage drinking and drug use across the region, seconded by Thomas W. Hardman, and motion made unanimous by Ms. McKinley.***

2015 MDPH Local Health Summer Internship Program- Ms. Brodeur mentioned her interest in program, and would be willing to write the grant. The Board discussed uses of an intern including a study on overdoses in the town and demographics of these overdoses, creating a sodium in well water database, and bathing beach testing.

➤ ***No action required by the Board at this time.***

Town of Wareham - Regulation of Synthetic Drugs- Mr. Hardman noted that he was aware of the Town of Wareham regulations pertaining to synthetic drugs. The Board discussed incorporating synthetic drugs into the revised Tobacco Regulations that Mr. Michaud and Brian Cruise, Assistant Town Counsel will be working on in the near future.

➤ ***No action required by the Board at this time.***



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Board of Health Town Report- Mr. Michaud updated the Board that he has been working on the Annual Town Report for 2014. Mr. Michaud will forward the Board a copy of the Town Report for their perusal and comments before he submits it to the Select Board at the end of the month.

➤ ***No action required by the Board at this time.***

Complaint log from 11/18/2014 - 12/12/2014 - Complaints were reviewed by Board.

➤ ***No action required by the Board at this time.***

Brandon Woods Home Care of Dartmouth/Dartmouth Public Health Statistics - December 2014- This document was included for informational use by the Board.

➤ ***No action required by the Board at this time.***

Monthly Rabies Report/December 1 through January 09, 2015- This document was included for informational use by the Board.

➤ ***No action required by the Board at this time.***

Discussion for any item not know 48 hours in advance-

➤ ***Nothing at this time.***

At 8:30 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