

**Halifax Board of Health
Meeting Minutes
Wednesday, December 01, 2010**

The meeting of the Halifax Board of Health was held at the Halifax Town hall.

Alternative Sewerage Committee Meeting (ASC) was opened at 7:05 p.m.

Present at the ASC meeting were:

John DeLano – Chairman, Board of Health
John Weber – Co-Chairman, Board of Health
Jeff Anderson – Clerk, Board of Health
Suzanne Lillie – Chairwoman, Alternative Sewerage Committee

1. Alternative Sewerage Discussion Items:

- a. Follow-up on DEP Innovative/Alternative Technologies
 - i. [ASC Chair updated Board on a list of DEP approved alternative septic systems.](#)
- b. Can now define criteria such as, but not limited to
 - i. Small footprint
 - ii. Ground dispersal system
 - iii. Minimal impact of effluent
 - iv. Need standard reference of GPD per HH or capita - source?
 - v. Reference to prior WWTF plan by Jack O'Brien
 1. [Jack O'Brien has went through the some archives and found a study for standing WWTF in the Brandeis Circle area somewhere around here.](#)
 2. [The Golf course may be a good resource to talk with about the treated waste water supply project.](#)
 3. [Discovered that the USDA has developed programs and is a financing source of federal funding for water treatment programs.](#)
- c. This is really a Project for comparison
 - i. North Carver Water being used for irrigation
 1. [Received federal funding](#)

A Motion was made to adjourn the Alternative Sewerage Committee meeting at 7:25pm

Motion: John DeLano
Second: John Weber
Unanimous vote on the motion

BOH Meeting was opened at 7:25pm

Present at the meeting were:

John DeLano – Chairman

John Weber – Co-Chairman
Jeff Anderson – Clerk
Cathleen Drinan – Health Agent

1. :15 – 7:30: Disposal Works Permits : Recommended for approval:

a. None tonight

2. Requiring Local Upgrade(but otherwise recommended for approval):

a. None Tonight

3. 7:30 – 9:00: Discussions

a. Fieldstone Farm continued hearing opened at 7:38pm.

- i. The Chairman opened the meeting stating that he, the Co-Chairman and Scott Clawson met at Fieldstone Farm on Friday, November 19, 2010 at 7:00am to inspect and identify safety concerns the Board of Health had with the berm.
- ii. The Chairman asked Mr. Clawson “Did you put up the orange fencing?”
 1. Mr. Clawson replied “Yes, but I didn’t put up the no trespassing signs, I didn’t get around to that.”
 - a. Attorney Galvin responded “We are willing to do that.”
- iii. The Chairman stated to Mr. Clawson “Back at the November 17, 2010 meeting a motion and unanimous vote by the Board was made that the safety concerns of the Board would receive immediate repair and that wasn’t done. So just to clarify, you haven’t pulled out any of the stumps or anything flagged as a safety concern by the Board at our walk through of the berm on November 19, 2010, which you attended?”
 1. Mr. Clawson replied “Correct.”
 - a. The Chairman responded “That is something that will have to be discussed tonight.”
- iv. The Chairman stated to Mr. Clawson “Taking a look at the sketch, the section of the new berm that was reconstructed I have no issue with. The sections to the northerly end of the western berm areas of voids were found, and in the northerly section of the berm we did identify a number of voids that need to be corrected.”
 1. Attorney Galvin asked “Did put this on the plan, in the field at the site?”
 - a. The Chairman replied “Yes, sketching and measurements were taken in the field and then superimposed over the plan at my office. There is a large stump that needs to be dealt with.”
- v. The Chairman stated to Mr. Clawson “The Northerly berm with the number of stumps and voids we discussed out in the field and you

stated you would correct/remove any areas flagged as a safety concern.”

1. Mr. Clawson replied “I didn’t say remove, I said I would fix them and make them safe.”
- vi. The Chairman asked Mr. Clawson “When we were out in the field didn’t you say you would have the orange fencing up by the weekend?”
 1. Mr. Clawson replied “Yes.”
- vii. The Chairman asked Mr. Clawson “Is the fencing up?”
 1. Mr. Clawson replied “No, neither are any of the no trespassing signs.”
- viii. The Health Agent asked “Can I say what I discussed at that time out in the field?”
- ix. The Health Agent stated to Mr. Clawson “You told me your intention was to dig a hole and bury the stumps under the berm.”
 1. Mr. Clawson responded “You must have been at a different meeting, I didn’t say that.”
- x. The Health Agent stated to Mr. Clawson “No, out at the site we talked about pulling out the stump and Mr. Dakers did clarify for me that it is ok to dig a hole and bury stumps as long as it’s not more than 200 cubic yards, as you know. However, he also told me that this was not good management practice because eventually the stumps will rot.”
 1. Attorney Galvin responded “I don’t agree to that, I agree to what Mr. DeLano stated.”
- xi. The Chairman stated to Mr. Clawson “Let’s make sure we’ve all got this straight. In regard to the void areas, let’s zoom into what you intend to do to fix the immediate safety concerns of the Board.”
 1. Mr. Clawson replied “I intend to fill in the voids with a shovel and pack down the soil leaving the stumps in place. What the Health Agent said, I didn’t say I’d do.”
- xii. The Chairman stated “To be sure we are all on the same page, when do you intend to repair the stump voids?”
 1. Mr. Clawson replied “Come May that will be done.”
- xiii. The Chairman stated to Mr. Clawson “I’m not comfortable with that. When I was at the site Friday, November 19, 2010 at the inspection, my foot sunk into a spot on the berm down to my knee and I strained my back. I am not claiming anything, but it’s obvious it is unsafe. Someone else could do the same thing. I am not comfortable with you taking a shovel and filling in the voids with dirt, I am just not comfortable with that. In my opinion the stumps need to come out of the berm.”
- xiv. The Chairman stated to Mr. Clawson “The stumps on the northerly end of the western section, which you acknowledge was in bad condition, need to be pulled out.”

1. Attorney Galvin asked the Chairman “You would like the stumps removed?”
 - a. The Chairman replied “Yes, the northerly side has several stumps that need to be pulled out to make it safe. Also, the westerly section with the log retaining wall, you need to fill in behind the wall.”
 2. Mr. Clawson responded “What’s the matter with that one? Is there a reason for this? It’s just sitting there.”
 - a. The Chairman replied “When I was walking around it I noticed it has no soil behind it.”
 3. Mr. Clawson responded “You asked for a temporary fix, shoveling in dirt is a temporary fix.”
- xv. The Chairman asked Mr. Clawson “If we were to agree to not have you pull out the stumps and fill in behind the log retaining wall, could it be done by the first part of December? Also if we agree, it will need to be inspected once it’s done.”
1. Attorney Galvin asked the Chairman “Would you be comfortable with Grady Consulting doing the inspection? Or you could do it.”
 - a. The Chairman responded “I don’t get paid to do it. The Co-Chairman and I took time out of our own schedule to do the last inspection.”
- xvi. The Health Agent stated “The sketch plan was drawn and read out loud at the site what would be done by December 10, 2010.”
- xvii. Mr. Clawson asked the Chairman “You made this drawing out in the field that day?”
1. The Chairman replied “Yes, the hand drawn one.”
- xviii. The Chairman asked Mr. Clawson “If the Board agrees to the manual shoveling in of dirt to the voids, how will we be assured they are filled in properly, especially without removing the stumps?”
1. Mr. Clawson replied “I am **not** paying another engineer.”
 - a. Attorney Galvin responded “Mr. Clawson is willing to fill in the voids but he is not willing to take out the stumps. To fill in behind the log retaining wall is not a temporary fix. I thought the agreement was that it would be done by spring.”
 2. The Chairman replied “If we allow Mr. Clawson to fill in the voids around the stumps in the berm until it is fixed permanently, and he is not willing to hire Grady Consulting or another engineer, one or more of the Board members will have to go out and inspect the work done.”
 - a. Attorney Galvin replied “I agree to that.”
 - b. Mr. Clawson responded “I agree to that also.”

- xix.** The Chairman stated to Mr. Clawson “If the Board deems the filled in voids unsafe the stumps will be immediately removed.”

 - 1.** Mr. Clawson replied “I don’t have the machinery there to do that.”
 - 2.** Attorney Galvin asked Mr. Clawson “Will you have someone there to help you shovel the dirt?”

 - a.** Mr. Clawson replied “Yes, I’ll have a guy there to fix any voids the Board deems unsafe right then and there.”
 - 3.** Attorney Galvin asked the Board “Is December 15, 2010 a good day for you?”
- xx.** The Health Agent stated “It seems difficult, time consuming and challenging to climb the berm, with a wheelbarrow of dirt to fill in the areas.”
- xxi.** Attorney Galvin stated “Mr. Clawson will have two (2) others in addition to himself at the inspection to help with any unsafe issues the Board might have.”
- xxii.** The Chairman asked Mr. Clawson “Could you have the berm complete and fixed by May 5, 2010?”

 - 1.** Mr. Clawson responded “You said June out in the field.”
- xxiii.** The Chairman stated to Mr. Clawson “To summarize here, first you will correct the safety spots identified by the Board at the November 19, 2010 inspection and at this next inspection, should the Board deem any of the corrected void fill-ins you do, as still unsafe you will make the corrections that day. Secondary, the sections of berm that need reconstructing will look like the first section of the berm you have already completed, by June 1, 2011.”
- xxiv.** The Chairman asked Mrs. Harmon “Do you have anything you want to say?”

 - 1.** Ms. Harmon replied “I don’t know where to start.”

 - a.** The Chairman responded “The floor is yours.”
- xxv.** Ms. Harmon asked the Board “Does the safety fence need to be erected in a certain way?”

 - 1.** The Chairman replied “They are usually erected with stakes.”
- xxvi.** Ms. Harmon stated to the Board “Right now they are lying on rocks.”

 - 1.** The Health Agent responded “I saw that.”
 - 2.** Mr. Clawson replied “I thought that was how you guys wanted it.”
- xxvii.** Ms. Harmon stated to the Board “Mark Dakers, of DEP stated it needed to be an earthen berm or a composting site.” She then asked “What exactly is this mess?”

 - 1.** The Chairman replied “We’re calling it an earthen berm.”

 - a.** Ms. Harmon responded “It’s not; an earthen berm consists only of earth.”
 - 2.** The Chairman replied “Yes, it’s being called an earthen berm.”

- a. Ms. Harmon asked the Chairman "So it's not what Mark Dakers says an earthen berm is?"
 3. The Chairman replied "I'm not going to interpret Mr. Dakers words. We are only concerned about the safety right now."
 - a. Ms. Harmon Replied "Ok."
- xxviii. Ms. Harmon stated to the Board "There are stumps buried within the 200 cubic feet and Mr. DeLano said it was unsafe. The engineer kind of came and went and Mr. Clawson states he has no money to hire another engineer." She then asked "Why should the town absorb the cost when Mr. Clawson built it?"
 1. The Chairman responded "It's a process that has to be followed. We have to gather information, weigh it out and it does take time and sometimes the Board of Health has to go out and look at the situation."
- xxix. Ms. Harmon stated "That brings me to my next concern. The outside of the reconstructed berm might look good on the outside and on the top but inside it is filled with all sorts of things. I have pictures to prove it."
 1. The Chairman responded "Let's say June 1, 2010 comes and one of the voids open up, the Board has the right to start all over again and have the corrections done. So if there is ever a problem with the rebuilt berm, then the process would start all over."
- xxx. Ms. Harmon asked "To fill the holes on Friday over by the logs, do you need to get on my property?"
 1. The Chairman replied "He should be able to do it from his property. We'll allow him to leave the logs for now and fill behind and under them."
- xxxi. Ms. Harmon stated "In the packet there is a reference to my well."
 1. Attorney Galvin asked "Is this in the packet?"
 2. The Health Agent replied "Yes, page three (3) of the summary."
 3. The Chairman responded "Number five (5) on page three (3)" and then asked Ms. Harmon "Have you had your well tested recently?"
 - a. Ms. Harmon replied "No I have not."
 4. The Chairman asked Ms. Harmon "Have you noticed a difference in the water?"
 - a. Ms. Harmon replied "I don't personally drink that water, so no I have not."
 5. The Chairman told Ms. Harmon groundwater fluctuates. When a stump is in the ground and is in the groundwater it starts to rot. Your well is 100' deep; if it was a shallow well you could notice the difference in the ground water. A drilled well is different than bedrock well; it shouldn't influence your well. If

you can prove that your well is affected by the stumps then you can go after Mr. Clawson personally.”

a. Ms. Harmon thanked the Board.

xxxii. The Chairman asked Ms. Harmon if that is all she has to ask the Board.

1. Ms. Harmon replied “Yes.”

A motion was made to rescind all previous actions and deadlines voted in the past.

Motion: John Weber

Second: Jeffrey Anderson

Unanimous vote on the motion

A motion was made to give Mr. Scott Clawson a June 1, 2011 deadline to reconstruct the berm the rest of the berm, as he did on the south westerly end. Mr. Clawson deal with the safety issues identified on the drawings one (1) and two (2) and will be inspected on December 17, 2010 at 8:00am and if there are any other issues that day they will be immediately repaired.

Motion: John Weber

Second: Jeffrey Anderson

Unanimous vote on the motion

xxxiii. The Chairman suggested we follow up our actions with a letter to DEP and allow them to follow up on the issues of burying stumps. Don't believe the Board of Health has enough authority to get into stumps but the safety issues we do.

xxxiv. Ms. Harmon asked “What about the orange fencing and the no trespassing signs?”

1. The Chairman thanked her for reminding them.

xxxv. Attorney Galvin stated “I believe Ms. Harmon was served with a no trespassing from Mr. Clawson.”

1. Mr. Clawson responded “Yes, she was served by the police.”

2. Co-Chairman stated “This isn't about Ms. Harmon, it's about the public.”

xxxvi. The Chairman stated “The inspection for the filling-in of the voids of the berm and the fill behind the log retaining wall is December 17, 2010 at 8:00am. He then asked Mr. Clawson “When will you have the orange safety fencing completed?”

1. Mr. Clawson replied “by Friday December 3, 2010.”

2. The Chairman asked Mr. Clawson “You will have the orange safety fencing up by December 3, 2010?”

a. Attorney Galvin responded “By the end of the day on December 3, 2010.”

xxxvii. The Chairman asked Mr. Clawson “Are you in agreement with this?”

1. Mr. Clawson replied “Yes.”

- xxxviii. The Chairman stated “I’d like to entertain a motion to have the orange fencing and the no trespassing signs erected and completed by December 3, 2010.”
1. Attorney Galvin responded “Are you asking that the no trespassing signs be on both sides of the property?”
 - a. The Chairman replied “Yes, it needs to be on both sides.”
 2. Mr. Clawson replied “I don’t agree, it’s not needed on both sides.”
 - a. The Chairman responded “I do agree.”
 3. Mr. Clawson replied “Well I don’t. There are a lot of horses on my property and the signs would be in the way.”
 - a. The Chairman responded “Many people are going to your facility for whatever reason and a child could wander away from an adult and get hurt.”
 4. Mr. Clawson replied “They won’t, it’s unreasonable, and everybody knows the rules.”
 - a. The Chairman asked “But what if someone wanders on to the berm and got hurt?”
 5. Mr. Clawson responded “I don’t need them on my side of the property!” (Please note Mr. Clawson refused to put no trespassing signs on his side of the property.)
- xxxix. Ms. Harmon asked “Can I make a comment?”
- xl. Attorney Galvin stated “Personally I wouldn’t want any no-trespassing signs all over my property.”
 - xli. Mr. Clawson stated “There is a long distance between the berm and the barn and parking lot.”
 - xlii. Ms. Harmon stated “It’s for the public’s safety.”
 - xliii. The Co-Chairman stated “I have to agree, if the signs are not right there in plain view they are not needed.”
 - xliv. The Chairman asked Mr. Clawson “Do you have any shows coming up?”
 1. Mr. Clawson replied “Yes, but not near there where the berm is.”
 - xlv. The Chairman asked the Co-Chairman “So, only on one side, Ms. Harmon’s side?”
 1. The Co-Chairman replied “Yes.”
 - xlvi. The Chairman stated “So, the fencing will go up on Ms. Harmon’s side of the property.

A motion was made that Mr. Scott Clawson will erect orange safety fencing and no trespassing signs by the end of the day on December 3, 2010 and one (1) or more members of the board will inspect the orange safety fencing and no trespassing signs on December 4, 2010.

Motion: John Weber
Second: Jeffrey Anderson

Unanimous vote on the motion

- xlvi. The Health Agent asked Mr. Clawson “Can you specify the number of signs you will be erecting?”
 - 1. Mr. Clawson replied “I can do two (2) on the westerly side and four (4) or five (5) on the northerly side.”
 - 2. The Chairman responded “That sounds reasonable.”
 - 3. The Co-Chairman responded “They will need to be plainly visible.”
 - a. Mr. Clawson replied “Yes, they will be.”
- xlvi. The Chairman stated “The orange safety fencing, from what I’ve been told is lying on the ground, this needs to be erected in the typical fashion. The fencing can be stapled to trees, or erected with stakes. He then asked Mr. Clawson “Do you have a problem with that?”
 - 1. Mr. Clawson replied “That should be able to be done.”
- xlvii. The Chairman asked Mr. Clawson “Will you have it completed by December 3, 2010 for the inspection on December 4, 2010?”
 - 1. Mr. Clawson replied “Yes.”

A motion was made that Mr. Scott Clawson will erect orange safety fencing in the typical fashion as previously described, by the end of the day on December 3, 2010 and be ready for inspection on December 4, 2010.

Motion: John Weber

Second: Jeffrey Anderson

Unanimous vote on the motion

b. Discussion Continued:

- i. The Health Agent asked “Would you like to set a time for the inspection?”
 - 1. The Chairman replied “No, I’ll call Mr. Clawson and tell him when we’re coming.”
- ii. Attorney Galvin stated “For the record, I believe this is beyond the scope of your authority, but we’ll do it anyway.”
 - 1. The Chairman replied “It has been noted.”
- iii. The Chairman asked Ms. Harmon “Do you have any questions?”
 - 1. Ms. Harmon replied “I’m good thanks.”

A Motion was made to adjourn the Fieldstone Farm hearing at 8:34 p.m.

Motion: John Weber

Second: Jeffrey Anderson

Unanimous vote on the motion

- c. Food at outdoor events: will be requiring “Sanitation Plans” for all outdoor events.
 - i. Agent will provide checklist for guidance to be included with permit renewal and/or application
 - a. Violations fees appeal retabled for future meeting, date to be determined.

d. Admin Report: [Admin Updated Board](#)

- i. Holiday in Halifax Memo

e. Agent Report

- i. [Agent updated Board on agenda items below:](#)
- ii. Testing wells near BFI: Begin again?
- iii. Information on Walnut address originally on list for water testing paid for by BFI: Found and provided to homeowner.
- iv. Manure complaints: storage, disposal & fly issues alleged
- v. Request/inquiry to build bakery in space previously used by small retail business.
 - 1. Look at water records
 - 2. Plumbing code: under sink grease trap
 - 3. Title V: Grease tank
 - 4. Any variance on grease tank?, prospective client wants to know
- vi. Flu Prevention Clinic went well
- vii. Small “flu clinics” at future well clinics
- viii. Trying different locations for well clinics: Go where the crowds are!
- ix. Have ordered more Sodium Sulfite for Lead Determination
- x. Update on current Lead Abatement case: Deadlines not being met
- xi. Walmart Organics container
- xii. Increase in MRC funding
- xiii. CDC funding for five years for regionalization
- xiv. Odor Complaint. Possible grease tank odor

4. The Following to be signed: [Board Signed](#)

a. Payroll for the Week Ending 12/04/10

- i. Cathleen Drinan
- ii. Margaret Selter
- iii. Judy Anderson

b. Annual Ethics Summary

c. Meeting Minutes: [Board Signed](#)

- i. November 17, 2010 Meeting Minutes

d. Permits: [Board Signed](#)

- i. Claude DuBord – Claude DuBord - 2011 Septage Hauler’s Permit
- ii. Bolduc Sanitation – Jay Bolduc - 2011 Septic Installer’s Permit
- iii. Highpoint Engineering, Inc. – Michael Fabbiano - 2011 Soil Evaluator’s Permit

e. Expense Account# 01-512 – FY 11-09 - [Board Signed](#)

- i. Staples – Receipt – PC Battery - \$109.99
- ii. Staples – Receipt – PC Cord - \$89.70

f. Revolving Account# 25-513 – FY 11

- i. [None Tonight](#)

g. Landfill Capping Account# 30-519 – FY 11

- i. [None Tonight](#)

- h. Landfill Engineering Account# 01-519 – FY 11**
 - i. [None Tonight](#)
- i. Nursing Services Account# 01-522 – FY 11-02 - [Board Signed](#)**
 - i. Partners Home Care – Nursing Services – November 1, 2010 thru November 30, 2010 - \$583.33
- j. Gift Account # 26-514-4830 – FY 11-**
 - i. [None Tonight](#)
- k. PHER Account# 21-520 - FY 11**
 - i. [None Tonight](#)

- l. Mail Folder:**
 - i. [None Tonight](#)

Adjournment

A Motion was made to adjourn the meeting at 8:34 p.m.

Motion: John Weber

Second: Jeffrey Anderson

Unanimous vote on the motion

Typed by,
Peggy Selter
Administrative Assistant

Signed By:
John DeLano – Chairman
Jeffrey Anderson – Clerk

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