

**Board of Health Meeting Minutes
December 9, 2009**

The Lakeville Board of Health held a meeting on December 9, 2009 in the Lakeville Town Office Building. Members present were William E. Garvey, Terrence Flynn and Pietro Panettieri. Also present were Health Agent Lawrence Perry and Board of Health Supervisor Nancy Teser, as recording secretary.

Chairman Garvey called the meeting to order at 6:00 p.m.

Louis Vermette

5 Ash Street

(042-006-003)

Jonathan J. Pink, PLS of Azor Land Sciences, Inc. was present for discussion. Pink was requesting an (after-the-fact) variance from Title V Local Upgrade Approval per 310 CMR 15.405(1)(g) "Reduction of the setback of a private well to a Soil Absorption System from 100' to 65' ((042-006-004) Dewhurst well). A local upgrade approval was originally granted (January 7, 2009) by the Board for a distance of 68' to the Dewhurst well. Pink noted that the Soil Absorption System was enlarged, after the open hole inspection to accommodate inconsistent soils, thus slightly reducing the distance to the Dewhurst well and Dewhurst, unfortunately, was not notified of this change. After further discussion, upon motion made by Panettieri and seconded by Flynn, the Board

VOTED: To approve the (after-the-fact) variance; subject to receiving a letter from Mr. Dewhurst (abutter) stating that he had been notified of this change.
Unanimous vote.

Leo Bisio

Lot#8, #14 Anderson Way

(007-004-005/8)

Jonathan J. Pink, PLS of Azor Land Sciences, Inc. was present with Leo Bisio requesting a waiver of the Lakeville Board of Health Regulations to extend the validity of the four (4) percolation tests that were performed prior to 2004 (4/17/03) for Lot 8, #14 Anderson Way. It was noted that retired Health Agent Mello had witnessed the percolation test with Darren Michaelis previously of Azor Land Sciences, Inc. After some discussion, upon motion made by Panettieri and seconded by Flynn, the Board

VOTED: To grant the waiver. Unanimous vote.

Martha Green

192 County Street

(034-003-012)

Darren Michaelis of Foresight Engineering, Inc. met with the Board relative to a Title V inspection he did on December 3, 2009 at 192 County Street. Arlene Clothier, representative for the buyer was also present. Discussion was held relative to the number of bedrooms counted at the walk-thru; what the existing system was designed for; a basement pump which was replaced in 2008, two garbage grinders in the house, and ground water elevations. Chairman Garvey told Michaelis that the grinders would have to be removed. Clothier noted that the dwelling has been vacant for six months and there were tenants there before. Georgette King (buyer) was also present at this meeting.

After further discussion, Board members said they would require a current water test and would like to see another percolation test performed near that system. No other action was taken at this time.

Dan Vareika

93 Crooked Lane

(059-001-001)

Darren Michaelis of Foresight Engineering, Inc. was present for discussion relative to 93 Crooked Lane. Michaelis submitted revised plans (December 3, 2009) and said he was requesting the following Local Upgrade Approval per 310 CMR Section 15.405(1)(b) – An increase in the depth below grade of the septic components from 36” below grade to 54”. Michaelis stated they could use H2O chambers if necessary. After further discussion, upon motion made by Flynn and seconded by Panettieri, the Board

VOTED: To approve the revised plans and variance as requested. Unanimous vote.

Morse Sand and Gravel

10 Fern Avenue

(027-002-029)

Paul McGillis of 6 Daniel Road (027-002-043) was present for discussion. A noise assessment conducted on October 15, 2009 was discussed, and the readings taken that morning were found to be more than 10dB over the ambient readings taken that same morning. According to Agent Perry, the readings were briefly discussed with the Department of Environmental Protection official when he returned their meter that same day, and it appeared that the readings could be considered to show a violation that morning. Perry said he also left a copy of those readings with the Department of Environmental Protection. The Board suggested sending a letter to the Department of Environmental Protection; asking them if they did any further research on this matter based on those readings; because they (Board) would assume this assessment warrants re-assessing the viability of the existing sound deafening wall and its alleged compliance required to sufficiently reduce noise to acceptable levels. Board members said a copy of this letter should be sent to the Lakeville Board of Selectmen also. The Board also told Perry to issue a \$50.00 fine to Morse Sand & Gravel for the noise violations from their facility on Fern Avenue. The \$50.00 fine will be for the violations on October 15, 2009 only, as a result of the decibel readings taken that morning. According to Paul McGillis, he had a Police report dated October 23, 2009, when his child was woken up, but no action was taken at that time. He (McGillis) stated Morse Sand & Gravel was in violation of a court order, and Town Administrator Garbitt had a copy of it. Garvey told Perry to get a copy of that court order and attach it to the letter that they will be sending to the Department of Environmental Protection. Again, Garvey told Perry to send a letter to the Department of Environmental Protection; asking them if they have any recent follow-up evidence or assessments on this matter that would prove otherwise, and if they did, to send copies of that documentation. Otherwise, the Board would assume the Department of Environmental Protection would want to re-open this issue to ensure the safety and well being of the residents of Lakeville. Board members said they would like a response letter on this matter as soon as possible. No further action was taken at this time.

Tom and Darleen Green

46 Shore Avenue

(041-001-001)

A Petition for Hearing was received from the Board of Appeals for Tom and Darlene Green relative to property at 46 Shore Avenue. The Nature of Relief Sought – Special Permit under Section(s) 6.1.3 of the Zoning Bylaws – Brief to the Board: “Square off existing dwelling staying on existing footprint, add new windows, doors, decking, roof, siding, upgrade driveway, move pool to rear center of back of home.” Garvey stated this was addressed at their meeting of November 4, 2009, and a reply was already sent to the Board of Appeals. No other action was taken at this time.

Sharon Gonsalves

28 Central Avenue

(042-024-002)

A Petition for Hearing was received from the Board of Appeals for Sharon Gonsalves relative to property at 28 Central Avenue. The Nature of Relief Sought – Special Permit under Section(s) 6.1.3 of the Zoning Bylaws. The applicant’s proposal is to construct a 20’ x 24’ garage with a family room above and an 8’ x 12’ rear deck on the property. Board members reviewed the property files and discussion was held on the septic system. Upon motion made by Flynn and seconded by Panettieri, the Board

VOTED: To send a letter to the Board of Appeals recommending **denial of this Petition at this time**, until more information is provided to the Board of Health; whereas they didn’t know if the existing sewage system was working adequately, nor if it would support this addition. The Board also stated that the Petitioner needs to appear before the Board of Health with a Title V septic system upgrade design and a current well water analysis on the existing on-site well. Unanimous vote.

Year 2010 Board of Health License and Permit Renewals

Upon motion made by Member Flynn and seconded by Member Panettieri, the Board

VOTED: To approve the Septage Pumper Licenses; Portable Toilet License; Residential Trash Collection Permits; Commercial Trash Collection Permits; Hog Farm License; Transport of Garbage Over Town Ways Relative to Hog Farm Only License; Tobacco Vendor Permits; Common Victualler Licenses; Food Establishment Permits; Stable (Personal Use) Permits, and Stable (Boarding) Permits (**Attachment #1**) as detailed in a Letter dated December 9, 2009 as prepared by Nancy Teser, Board of Health Supervisor. Unanimous vote.

Letter of Resignation

A letter (November 10, 2009) of resignation was received from Board of Health Clerk, Michele Forcier; stating that her last day of employment with the Town of Lakeville would be November 27, 2009. She noted that, due to unforeseen budget cuts in the Town

of Lakeville, she would be starting a new job in the private sector on November 30, 2009, and wanted to thank the Board for the time that she spent here working for the Board of Health. Upon motion made by Flynn, and seconded by Panettieri, the Board

VOTED: To accept her resignation with deep regret, and send her a letter thanking her for services to the Town. The Board also wished her the best in her future endeavors. Unanimous vote.

Interviews for the Board of Health Clerk's position

The Board told Board of Health Supervisor Teser to post a meeting on Tuesday, December 15, 2009 at 5:45 p.m. to hold interviews for the Board of Health Clerk's position.

Partial payment of wages to Inspector of Animals, Jared Darling

A bill was received from Jared Darling for services rendered as Inspector of Animals for the Town of Lakeville. The bill was for \$2,700.00 for the period of July 1, 2009 through December 9, 2009. Chairman Garvey felt that Darling should be paid quarterly for his services. Upon motion made by Panettieri, and seconded by Flynn the Board

VOTED: To authorize payment of \$2,700.00 to Jared Darling, as remuneration for his services for July 1, 2009 through December 9, 2009 as Inspector of Animals for fiscal year 2010. Fellow Board Members Panettieri and Flynn agreed with Garvey on the payment schedule. Unanimous vote.

Greater Taunton Medical Reserve Corps

Board members received a communication from the Greater Taunton Medical Reserve Corps requesting a representative to serve as a local MRC Coordinator/Contact and attend steering committee meeting. It is directed by the local public health agencies from the Greater Taunton area and Morton Hospital in order to respond to public health disasters. According to this communication, without our active involvement, there will not be any MRC volunteers to deploy to our community. Chairman Garvey told Health Agent Perry to check with Deputy Fire Chief Goodfellow to see if he would be interested on serving on this committee. No other action was taken at this time.

Ted Williams Camp Commissary Building

Board members received a memorandum from Health Agent Perry stating he received a request from Joe Henderson of Horsely & Witten to do a walk-thru of the commissary building at the Ted Williams Camp; whereas the commissary building was being

renovated and they would be doing the wastewater design for the commissary building at the Ted Williams Ball Fields. An update on their progress was also submitted to the Board. Garvey told Perry that he could meet with Henderson on Monday morning to do the walk-thru. No other action was taken at this time.

Meeting Minutes

Upon motion made by Flynn and seconded by Panettieri, the Board

VOTED: To approve the minutes of the meeting of November 4, 2009 as typed.
Unanimous vote.

Island Terrace Nursing Home

57 Long Point Road

(071-001-002)

A communication was received from Clivus New England, Inc. relative to the Island Terrace Nursing Home, and a copy of the November 2009 Service/Maintenance Report for the recycling composting waste treatment system was placed on file.

Vendor Warrants

The Board signed vendor warrants.

Upon motion made by Member Flynn, and seconded by Member Panettieri, the Board

VOTED: To adjourn the meeting at 7:16 p.m. Unanimous vote.