

Board of Health Meeting Minutes February 16, 2011

The Lakeville Board of Health held a meeting on February 16, 2011 in the Lakeville Town Office Building. Present at this meeting were Board Members Robert Poillucci as Acting Chairman and Terrence Flynn. Also present at this meeting were Health Agent Lawrence Perry, Board of Health Clerk Jo Ann Lima and Christine Weston, as recording secretary. Chairman William Garvey was absent from this meeting with prior notice.

Acting Chairman Poillucci called the meeting to order at 6:00 p.m. and noted that this meeting was being recorded and would be televised by Comcast at a later date.

35 Bedford St.
37 Bedford St.

24-4-1A
24-4-1

Mark Evans
Mark Evans

Jonathan Pink, Project Manager of Azor Land Sciences, Inc. and Mark Evans (Trustee) of JSN Realty Trust were present for discussion. Previously, at the December 8, 2010 meeting, Pink stated that 35 and 37 Bedford Street shared a shallow well and his client didn't want to deal with a shared well if he sold the business. Board Member Poillucci asked at that meeting if they could get public water there, but Pink said they were told that it was a dedicated water line. Chairman Garvey confirmed the statement at that time and said that the water line went directly to Bridgewater Prison. The Board members then voted to approve the proposed well plan for 35 Bedford Street and a waiver of the 400' setback distance of a tank used for the storage of saleable petroleum products to a well to 204'. At the same meeting, the Board voted to approve the proposed plan for a well and septic system repair at 37 Bedford Street and grant the variance (waiver) of the 400' setback distance of a tank used for the storage of saleable petroleum products to a well to 365'. After the December 8, 2010 meeting, it was found that Gulf Resources, Inc./Joe's Gas at 33 Bedford Street (abutter) had not been properly notified of the meeting. Pink stated they notified the abutter (January 20, 2011) on the waivers requested for both properties. Perry said they received a correspondence from his (Joe's Gas) attorney so he felt that they could regard it as notification. Evans said he was recently told that the tie into municipal water was possible. A revised Sewage Disposal System Design plan (Received on February 16, 2011) was received for 37 Bedford St. for the Board's review showing proposed municipal water service for 35 and 37 Bedford Street requesting one Local Board of Health Regulation Waiver.

Board Member Flynn made a motion to approve the plan with one Local Board of Health Regulation waiver. (Waiver of the 400' setback distance of a tank used for the storage of saleable petroleum products to a well (proposed deep well for irrigation) 365' requested. Acting Chairman Poillucci stepped down and seconded the motion and said he would step up after discussion.

Acting Chairman Poillucci stated that he attended the water meeting last week; the City of Taunton Water Department and the Lakeville Selectmen were there. Poillucci said he asked them if they were going to allow people to hookup to this water (municipal) line. Poillucci said he was told they couldn't discuss it directly because no one has petitioned it and it's not on the agenda. Poillucci said he then asked them (City of Taunton Water Department) in general, if anyone came in to request it from that street would they allow them to hook up to that water line, and was told that it would apply. Poillucci said he

didn't know when that was going to happen though. Poillucci said he was thinking of asking the Board to amend their motion; so that it wouldn't hold them up for zoning and it doesn't take away the approval for the other wells previously approved if denied by the Selectmen for the water. Poillucci told Pink they wouldn't need the variances for the properties if they get permission from the Selectmen for the municipal water, but if they say no, then the previous approvals for the properties would stand and they wouldn't have to come back. Upon motion made by Member Flynn with Acting Chairman Poillucci stepping down to second the motion and stepping back up to vote, the Board

VOTED: To amend the motion pending the Board of Selectmen's disapproval of the hook up to the Taunton Water Supply. Poillucci said they were granting the variances for 35 and 37 Bedford Street in case they deny the hook up to municipal water. Unanimous vote in favor.

Haskell Circle

060-009-001

Twin Coach Estates

Attorney Gerard Marsan representing Twin Coach Estates and Rick Chaves of Bay State Sewage Disposal, Inc. were present for discussion. Attorney Marsan stated that it appeared that someone from Twin Coach Estates may have jumped the gun and addressed the septic system situation prematurely. Attorney Marsan said he asked Mr. Chaves to attend the meeting because he was more familiar with the system, and to see what the next step would be to resolve this issue. Chaves said he believes it's the homes at 3, 4 & 6 on Haskell Circle. He said that two years ago he received a call, they went there, there was a backup, and there was a system running over. He stated that he thinks Mr. Farcus got very nervous in thinking that it was a bigger problem than it really was. Chaves said they did work on the system, pumped it, jetted all the lines out, and have never been back. Chaves said they've monitored the system since then and they've never had another emergency call at that location. Chaves said that the system's probably about 15 years old and it's acting like a 15 year old system; it's not new; it's not in trouble because it's been given pretty good service. Chaves said he told Farcus that he probably could get another four or five years out of it. Chaves said the Health Department was wondering why this thing wasn't getting fixed, but he taught that Farcus just got ahead of himself thinking that it was a bigger problem than it was. Health Agent Perry remarked "but it failed, right?" Chaves said that the system was flooded when they arrived but he thought that it was due to running water in one of the units. Chaves noted that once they took care of that problem they've never been back. Attorney Marsan said they have no record of any other complaints. Chaves stated that sometimes in the winter months these parks run the water to keep the pipes from freezing, and he thought that that was what they were dealing with, and once the cold weather left the problem left. Attorney Marsan stated that Mr. Farcus was overly aggressive and didn't get the advice of counsel that he should have. Chaves said there's no ponding or backup and the water is below the inverts. Health Agent Perry stated that he did send a letter of noncompliance to Mr. Farcus to either put in a new system in or to prove otherwise that the system was not in failure. Their plans have already expired. They'd have to request an extension now. We can give them a one year extension, but that is the maximum state deadline. Attorney Marsan asked the Board if they could request the extension now. He asked about the regulation that came out last August and Acting Chairman Poillucci stated that

extension wouldn't apply in this instance. Health Agent Perry said July 28, 2009 was the actual initial letter from Darren Michaelis from Foresight Engineering that started the process, so as long as the system is put in by that date we wouldn't be violating the state. Attorney Marsen said that they would submit their inspection. Board Member Flynn asked if the system is actually in failure, would Bay State be able to put in a new system by the July deadline. Mr. Chaves said yes and he would work it out with Larry and get it all synchronized if the system is deemed in failure.

Upon motion made by Member Flynn with Acting Chair Poillucci stepping down to second and stepping back up to vote the Board

VOTED: To extend the deadline to have a passing Title V to April 1, 2011.
Unanimous vote in favor.

2 Sand Trap Lane

020-002-002C

Paul Winberg

A letter was received requesting a one year extension on their well permit that was approved on March 24, 2010.

Upon motion made by Member Flynn with Acting Chair Poillucci stepping down to second and stepping back up to vote the Board

VOTED: To extend the deadline to March 24, 2012. Unanimous vote in favor.

17 Twin Oaks Road

065-002-006

William & Debra Garvey

A letter was received requesting that "Seasonal" be removed from their deed restriction. Acting Chairman Poillucci stated that seasonal water or a tight tank were the only reason the Board has the right to condition it for seasonal use, but now that it's a Title V system and potable water it's outside of our domain. Member Flynn asked Health Agent Perry what has to be done to make this change. Mr. Perry stated that he believes it has to be done as an attachment with language that exempts former language used on a deed restriction.

Upon motion made by Member Flynn with Acting Chair Poillucci stepping down to second and stepping back up to vote the Board

VOTED: To remove the word "Seasonal" from the current deed restriction.
Unanimous vote in favor.

2010 Annual Town Report

Board members reviewed the drafted copy for submittal to the Board of Selectman.

Upon motion made by Member Flynn with Acting Chair Poillucci stepping down to second and stepping back up to vote, the Board

VOTED: To accept the 2010 Annual Town Report as typed by Supervisor Teser.
Unanimous vote in favor.

Massachusetts Health Officers Association Seminar on March 2, 2011 for Local Health Officials.

Upon motion made by Member Flynn with Acting Chair Poillucci stepping down to second and stepping back up to vote, the Board

VOTED: To approve Health Agent Perry's attendance at the Massachusetts Health Officers Association Seminar on March 2, 2011 for Local Health Officials.
Unanimous vote in favor.

Vote and adoption of Body Art "Practitioner" and "Apprentice" fee

Upon motion made by Member Flynn with Acting Chair Poillucci stepping down to second and stepping back up to vote, the Board

VOTED: To adopt a \$100 Body Art Practitioner fee and \$50 Apprentice fee.
Unanimous vote in favor.

2011 Board of Health License and Permit Renewals

Upon motion made by Member Flynn with Acting Chair Poillucci stepping down to second and stepping back up to vote, the Board

VOTED: To approve the following licenses and permits listed on memo dated February 16, 2011 from Board of Health Clerk Lima:

FOOD ESTABLISHMENT LICENSES

Annelise S. Dexter d/b/a Danish Dogs
Reservoir Heights d/b/a Lakeville Country Club
The Sunshine Café

COMMON VICTUALLER LICENSES

Reservoir Heights d/b/a Lakeville Country Club
The Sunshine Café

RESIDENTIAL TRASH COLLECTION PERMITS

New England Recycling Company, Inc.
Waste Management of MA, Inc.

COMMERCIAL TRASH COLLECTION PERMITS

New England Recycling Company, Inc.

STABLE PERMITS (PRIVATE)

Newell & Ann Wambolt	5	Barstow Street
Jan Leigh Drake	113	Bedford Street
Katherine Bures	127	Bedford Street
David A. Goble	209	Bedford Street
Karen Iolli	403	Bedford Street
Gina A. Perruzzi	421	Bedford Street
Cindy Wines	11	Clark Road
Virginia V. Burnham	1	Coach Lane
George Smith III	105	County Road
H. Van Laarhoven	165	County Road
Christine Ragan	57	County Street
Lucille Fortunato	5	Elders Pond Drive
Richard & Ann Gredler	6	Fieldstone Drive
Mark L. Faulkner, Sr.	9	Freetown Street
Lisa Eusebio/Baby G Farms, Inc.	11	Freetown Street
Andrew Mastrodomenico	12	Galfre Road
Christopher J. Travis	23	Galfre Road
Robin Fielding	28	Highland Road
Joan M. Morton	74	Highland Road
Laurice Hedges	97	Highland Road
Daniel B. Cripps	35	Hill Street
Jeffrey S. Mills	1	Hitching Post Road
Louise DeMoranville	87	Kingman Street
Mary Flaherty	8	Lakeside Ave.
Sharon Booker Cabral Rielly	1	Lang Street
Ruthann Sensabaugh, Majestic Stable	22	Lang Street
Joseph Dainte	17	Leonard Street
Richard S. Tripp	134	Main Street
Doris Santos	14	Margeaux Drive
Christine Lefebvre	22	Mill Street
Nancy Kitchen	30	Montgomery Street
Karen Corbett	54	Montgomery Street
Wendy Amaral	17	Nelson Shore Road
Debora Sukeforth	51	Old Main Street
Susan Ross	2	Old Stonewall Road
Michael Dyksinski	1	Patrick Thomas Ct.
Kerri Belken	42	Pierce Ave.
David Frates	101	Precinct Street
Barbara & Jeroen Bongers	7	Quail Run
Jaclyn Mary Gould	6	Race Course Road
Raymond L. Smith	200	Rhode Island Road
Arnold Burnham	202	Rhode Island Road
Donna L. Cabral	204	Rhode Island Road
Judy M. Batty	129	South Pickens Street
Ernest Burgeson	8	Southworth Street
Bonnie Calari	69	Southworth Street

Katherine Edwards Januse	71	Southworth Street
Trudy Sena	29	Staples Shore
Randall Damon	3	Taunton Street
Persis White	35	Taunton Street
Karen Moroz	74	Taunton Street
Gene Bartlett	2	Tyler's Way
Lynne L. Silvia	47	Vaughan Street
Bradily Valente	66	Vaughan Street

STABLE PERMITS (BOARDING)

Holloway Brook Farm	6	Barstow Street
D. Barry/Hallamore Clydesdales	138	Bedford Street
Alice Smith, A & D Stable	444	Bedford Street
Shawn Conway, Hickory Knoll Farm	33	Southworth Street
Beland Stables, Inc.	17	Montgomery Street
Powderly Meadows, Inc.	50	Montgomery Street
Hazel Dooley, Dooley's Stock Farm	51	Montgomery Street

Unanimous vote in favor.

Board of Appeals Petition for Hearing

167 Bedford St.

26-4-21

Leopold R. Rousseau

Board members reviewed the Petition for Hearing for Leopold R. Rousseau at 167 Bedford St. The brief to the Board was to use the additional space available at this address to store campers and travel trailers thus creating a parking facility.

Upon motion made by Member Flynn with Acting Chair Poillucci stepping down to second and stepping back up to vote, the Board

VOTED: To send a letter to The Zoning Board of Appeals asking for a plan identifying the entire septic system and any wells on the property and how their system and wells will be protected if they are impacted by the storage of the vehicles.
Unanimous vote in favor.

COMMUNICATION

Planning Board – Re: Rezoning of Bartlett Property on Bedford St. from Residential to Industrial

Upon motion made by Member Flynn with Acting Chair Poillucci stepping down to second and stepping back up to vote, the Board

VOTED: For the Board of Health to send a letter to the Planning Board stating that they have no issues with the rezoning due to the fact that there are no health issues involved with this plan.

Memorandum to Board of Health Members from Board of Health Clerk Lima

A memo was presented to the Board requesting permission to allow Clerk Lima or Supervisor Teser to sign approved septic and well permits. Health Agent Perry stated he didn't have any issues with this, because plans are already approved and this was for the permit only.

Upon motion made by Member Flynn with Acting Chair Poillucci stepping down to second and stepping back up to vote, the Board

VOTED: To authorize Board of Health Clerk Lima or Supervisor Teser to sign approved septic and well permits. Unanimous vote in favor.

Meeting Minutes

Upon motion made by Member Flynn with Acting Chair Poillucci stepping down to second and stepping back up to vote, the Board

VOTED: To approve the minutes of the meetings of November 3, 2010 and December 8, 2010 as typed. Unanimous vote in favor.

COMMUNICATIONS:

Communication from Department of Public Health – Re: MAVEN program for reporting communicable diseases

The Department of Public Health will be proposing a two-year phase-in period with the goal of 95% of local boards of health going live by the end of 2012. Acting Chairman Poillucci requested that Clerk Lima attend any future meetings to gather some information.

Norfolk-Ram Engineering Solutions – Re: Island Terrace Nursing Home (071-001-002)

Re: December 2010 Monthly Status Report on the wastewater remediation project

Annual Town Meeting Warrant Articles – Board Reviewed

Capital Budget FY2012

A discussion was held regarding a new Board of Health Vehicle. Member Flynn stated they can put in a request for 2013.

Vendor Warrants were signed by the Board.

217 County St.

(037-00-002)

Lakeville Eagles

A discussion was held in regarding an update on the Lakeville Eagles. Health Agent Perry stated it was a conditional pass and we are waiting for Bay State to give us an estimate; we are going back and forth. Right now they are just supposed to be pumping it as necessary. Member Flynn-so we go with a repair and then an inspection. Acting Chairman Poillucci asked if there was a deadline on the repair. Agent Perry said they didn't have one yet, but we could give them one if the Board wanted. They currently do not have a food prep license. They can have catered functions only.

They were told that it was part of the condition that they have to fix that system to prove to us that it was all in working order. Member Poillucci said to give them until April 1st .

Upon motion made by Member Flynn with Acting Chair Poillucci stepping down to second and stepping back up to vote the Board

VOTED: To send the Lakeville Eagles a letter stating that they have until April 1, 2011 to repair their system. The Board is also requests status on this repair by our next Board of Health meeting scheduled for April 6, 2011. Unanimous vote in favor.

Plymouth County Mosquito Control Memo – Board Reviewed

Member Poillucci stated that we should set up spraying for Ted Williams, Jon Paun, the High School around the fields and then maybe around neighboring ponds if we've ever had issues. He asked Larry to check with Jean at the Middleboro Board of Health on the spraying to see what her schedule is.

Upon motion made by Member Flynn with Acting Chair Poillucci stepping down to second and stepping back up to vote the Board

VOTED: To adjourn the meeting at 7:13 p.m. Unanimous vote in favor.

It was indicated that the next two meetings of the Board of Health are tentatively scheduled for Wednesday, March 23, 2011 and April 6, 2011, at 6 pm.