

**Board of Health Meeting Minutes  
March 23, 2011**

The Lakeville Board of Health held a meeting on March 23, 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 and Board of Health Clerk Jo Ann Lima, as recording secretary. Chairman William Garvey was absent from this meeting with prior notice.

Acting Chairman Poillucci called the meeting to order at 6:03 p.m. and asked if anyone was recording this meeting.

**10 Rhode Island Road**

**(062-004-009)**

**Bernice Ford**

Sherri L. Larson, the niece of Bernice Ford, owner of property was present for discussion and advised the Board that her aunt had passed away. A letter was mailed to the Board by Ms. Larson stating that her aunt's estate is in probate and they are unable to complete the septic system at this time. She's requesting a one year extension on the Disposal System Construction Permit relative to the original approval date of April 10, 2009. She stated that they're hoping to have the septic repaired by the end of this year.

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

**VOTED:** To grant a (1) year extension on the Disposal System Construction Permit; to expire on April 10, 2012.

Unanimous vote in favor.

**6 Morrison Way**

**(040-004-006)**

**John Delano & Associates-RE: Chris LaPlante**

An appointment was scheduled for 6:05 p.m., but was cancelled by Engineer John Delano.

**Nomination of Inspector of Animals**

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

**VOTED:** To nominate Jared Darling as Inspector of Animals for the Town of Lakeville.

Unanimous vote in favor.

**Discussion on acceptance of restructured dumpster permitting process**

Upon a 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 new procedure and approve the letter to haulers and dumpster permit holders in Town of Lakeville.

Unanimous vote in favor.

## **2011 Board of Health License & Permit Renewals**

Upon a 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 as noted on memo from Board of Health Clerk Lima dated March 23, 2011.

### **FOOD ESTABLISHMENT LICENSE**

J & J Seafood Drive-in

### **COMMON VICTUALLER LICENSE**

J & J Seafood Drive-in

### **RESIDENTIAL TRASH COLLECTION PERMIT**

Twin Coach Estates, Inc.

### **STABLE PERMIT (PRIVATE)**

Lawrence Pittsley 91 Kingman St.

### **SUNDAY ICE CREAM LICENSES**

Assawompset Golf Co. LLC d/b/a LeBaron Hills Country Club

Back Nine Club, LLC

Cisco Corp., Inc. d/b/a Cisco's Pizza

Gulf Resources, Inc. d/b/a Joe's Gas

Sava's Liquors, Inc.

Sedell, Inc d/b/a Sedell's Pharmacy

Tand, Inc. d/b/a Subway

Walgreens #10269

Unanimous vote in favor.

### **217 County St.**

### **(037-001-002)**

### **Lakeville Fraternal Order of Eagles**

Chris Zahner from Bay State Sewage Disposal was present for discussion on the septic system at the Lakeville Eagles. Agent Perry said that he gave an update in his Agent's notes. Zahner said that the fields are dry there and there is no sign of failure. He explained to the Board that he thinks if he eliminates the siphon chamber, replaces the two d-boxes, brings the covers to grade and uses H2O risers, that it will work. He said the system is designed for 8,800 gallons a day and the calculations are nowhere near that. Member Poillucci asked Agent Perry if this could be done as a repair. Agent Perry said yes, a simple emergency repair. Member Flynn asked if they were aware that if this doesn't work that they need to start over. Zahner said yes, this is their last shot. Member Flynn asked Zahner if he thought the tank was leaking and he said no, that he believes the problem is the siphon chamber. Zahner said he didn't have a lot of history on this property prior to this incident. Acting Chairman Poillucci said this was fine with him as long as it was understood. Zahner said that he sent a letter to the Lakeville Eagles stating that he did not guarantee that this would work and that they may have to replace the system. He will be sending them a new proposal. Zahner said that they would possibly start the job within the next couple of weeks, but stated that he hadn't had a response from the Eagles

since he sent the first proposal. Member Flynn said that the Board wasn't ready to vote yet because no one was present from the Eagles. Agent Perry said it wasn't necessary and that he could approve the emergency repair. Zahner said that Bay State and the Board of Health is working with them and giving them every opportunity to make this right. He said he would stay in touch.

**328 Bedford St.**

**(057-001-014)**

**Lewis Gammons**

Lewis Gammons was present for discussion. Mr. Gammons requested an extension on the installation of a new septic system due to cost factors. He stated that it was a financial burden and that he was checking on small business loans, but nothing is available. He said that there are less people in his building now and that the septic system is working fine. There was some discussion on the retaining wall. Member Poillucci asked how tall the retaining wall was. Agent Perry said because of the height it needs a structural stamp on the wall design and the Building Dept. also requires it. He also said that we need a copy of building permit before we issue the septic permit. Mr. Gammons questioned whether what he had been supplied with was adequate and that the engineer hadn't discussed the wall with him. Member Poillucci said that was between Mr. Gammons and the Building Dept. Member Flynn pointed out that it was on the plan. Agent Perry said that it doesn't meet the 20' setback. Mr. Gammons said that at that time he believes it was on a corner of the property, but it wasn't dug up, a metal detector was used. Agent Perry said that the State Highway will not grant a variance. Member Poillucci said for Mr. Gammons to get a plan showing where the well is on his property. Mr. Gammons said that maybe he could get a King's Right of Way. Member Poillucci said the Board just needs a resolution before the septic is started.

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

**VOTED:** To allow the extension. Paperwork must be submitted by May 1, 2011; Permit picked up by June 1, 2011; System installed by August 1, 2011 and as-built submitted by August 14, 2011. Unanimous vote in favor.

**Not on Agenda**

Robert Pike from Inspiration Body Art Studio was present for discussion. He said that Larry had stopped by the shop with papers stating to cease genital piercing and that he wanted to go over this issue. He said that the Board of Health originally agreed to it and that he presented our office with all necessary documents prior to this. He said that in 1997 he added piercing to his experience when he worked in a shop in New Bedford.

Mr. Pike said that earlier in the day the establishment owner Pietro Panietteri supplied our office with a print out of an Anatomy and Physiology course that he is willing to take, even though it was waived at the last meeting. Acting Chairman Poillucci said that he didn't get a chance to read all of the information on it but didn't realize that Mr. Pike was doing genital piercings. Mr. Pike showed the Board members pictures of genitalia piercings and explained what he and would not be doing. Poillucci said as far as he was concerned when he heard not extreme he wasn't worried, but that apparently the Board didn't have the authority to waive the course. Mr. Pike said that the regulations state that we do. State model Regulations state that genital piercings are not allowed under age of 18 under any circumstances. Poillucci said that the state regulations also state that you are required to take the course. Mr. Pike said the decision is left up to the County, the State does not regulate it.

Agent Perry said but the board has adopted that. Mr. Pike said he would like to continue with the piercings while taking the course. Perry added that this is all a matter of interpretation. Poillucci said that in his mind, non extreme piercings are ear, nose and belly piercings. Mr. Pike mentioned the 1<sup>st</sup> amendment and freedom of speech and expression. Poillucci said another part of this issue is that the Middleboro Nurse will not do the inspections. Mr. Pike said the nurse went into his shop very combative and the first thing she said was “So, I heard that you are already open”. Then she brought up the OCC permit which has nothing to do with her. He said that if the Board wanted, that he would find a nurse that they can approve of who is willing to do the inspections. Poillucci said that the Board looks at the health aspect of all this. He said if Mr. Pike is willing to take the course, he would be more comfortable. The course that Mr. Panettieri provided the Board with information on may not be sufficient. Poillucci said he is not qualified to make that determination and needs to have someone review this. Poillucci said he wasn’t trying to argue with him, it’s just that he is not a doctor and just don’t know enough about this. Agent Perry said he could call the New England Association of Schools and Colleges. Poillucci asked that Larry call tomorrow and find out which course meets the regulations. Mr. Pike said he was already granted license to do body piercings-per our rules and regulations and asked if he could continue with the piercings. Mr. Poillucci again stated the Board’s only issue is the Board of Health’s part of it. For him, if Mr. Perry checks on courses and they meet regulations, he’s fine with it, him personally. He can’t say continue with it because the Zoning Permit hasn’t been approved yet. Mr. Pike asked what that permit was for, and stated that he knows nothing about that part of it, and that Mr. Panettieri is the owner. Member Flynn said that they have to go to the Selectmen to get a special permit. Poillucci said he was in the right district, but by special permit and that the Selectmen are the issuing authority. Member Flynn asked Health Clerk Lima for a copy of the Zoning Regulations which she presented him with. Mr. Flynn showed Mr. Pike a copy of the Zoning By-Law information. Member Poillucci explained the special permit to Mr. Pike. Mr. Pike asked if he was in the right zone. Member Flynn answered yes, and stated that he is in a business district. Poillucci said the Board did their part. Member Flynn suggested that Mr. Panettieri and Mr. Pike both should probably go to the selectman for this special permit. Member Poillucci said that he would take responsibility for this confusion and stated that he didn’t have enough knowledge on this subject and that he should have asked what extreme was. Member Flynn asked Agent Perry if they still need an inspection. Poillucci said that the Selectmen said that the shop shouldn’t even be open. Mr. Pike said he is licensed in other cities and states to do piercings, and insisted that he has the experience. Member Flynn said he didn’t believe that the experience was sufficient. Poillucci asked again where does this stand as far as the nurse. Agent Perry said that the inspection is not complete. Health Agent Perry said that he did do the follow up inspection. Poillucci asked short of the nurse not returning, did everything pass. Agent Perry said that the establishment passed. Poillucci said if the Middleboro nurse won’t do it, we need to find someone else. Agent Perry stated he thinks it would be prudent to refrain from the piercings until Mr. Pike finishes the courses and is qualified to do genital piercings. Poillucci asked if the state regulations state that the Board has the right to grant variances without having experience. Agent Perry said he hadn’t reviewed all of Mr. Pike’s experience, but feels training and education should be a requirement. Poillucci stated that he did too. Mr. Pike asked if the Board thought that his proof of licenses and out of state experience is enough to allow him to continue with the piercings while taking the course. Member Flynn asked Mr. Pike if piercings was a real big part of his business and is that why he would rather not wait until he finishes course. Mr. Pike replied yes, definitely. Member Flynn said he was ok with him doing the piercings until he gets certified. Poillucci emphasized to Mr. Pike that the Selectmen have to approve this special permit. Mr. Pike said that he understood and stated that he will close doors for now until they speak to Selectmen. Member Flynn asked if he has autoclave and disposable needles to which Mr. Pike replied yes, and explained

how the autoclave works. Poillucci asked the woman that was present at this meeting if she had any questions and she said that she was just wondering how that business could operate without the special permit. Poillucci explained to her that this was the reason for discussion and advised Mr. Pike to go to selectman asap to get on the agenda for their next meeting. Woman asked if Mr. Pike if he was using a dumpster for all of the disposable needles, because she noticed that the dumpster covers are always open. He said absolutely not.

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

**VOTED:** To grant limit on variance that was approved providing course is taken and passed by expiration date of current permit, December 31, 2011 or permit will not be renewed.  
Unanimous vote in favor.

Member Poillucci said that because the Board doesn't know the course schedule and the deadlines that they will work with him as long as the course meets the accreditation. All agreed in order to get license renewed, he must have completed or be enrolled or certified in the course.

### **Meeting Minutes**

Upon a 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 minutes of the meeting of December 8, 2010 as typed.  
Unanimous vote in favor.

### **Memo from Town Administrator Garbitt – Re: Performance Evaluations**

A brief discussion was held regarding performance evaluations. Acting Chairman Poillucci said that the Board needs to go over the evaluations and set standards by the end of this month. It will then be posted and then they will go into executive session. Member Flynn said he would send an emailing advising when he will be available to meet. Agent Perry mentioned that the Board should also go over current job descriptions. Member Flynn asked that copies of all Board of Health job descriptions be placed in his mailbox.

**Department of Public Health – Re: Reduced Availability of State-Supplied Flu Vaccine for Adults - Informational**

**Norfolk-Ram Engineering Solutions – Re: Island Terrace Nursing Home Monthly Status Report for January 2011 - Informational**

**Norfolk-Ram Engineering Solutions – Re: Island Terrace Nursing Home Monthly Status Report for February 2011- Informational**

Vendor Warrants were signed by the Board.

Upon a 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 7:55 p.m. Unanimous vote in favor.