

## **Board of Health Meeting Minutes**

### **April 9, 2014**

The Lakeville Board of Health held a meeting on **April 9, 2014** in the Lakeville Town Office Building. Present at this meeting were Board Members William Garvey, Robert Poillucci and Terrence Flynn. Health Agent Lawrence Perry was present, as well as Administrative Assistant Jo Lima as Recording Secretary.

Chairman Garvey called the meeting to order at 6:00 p.m. and noted that this meeting was being recorded by Administrative Assistant Jo Lima and LakeCAM, to be televised at a later date.

#### **Reorganization of Board of Health Members**

Upon a motion made by Member Poillucci and seconded by Member Flynn, the Board:

**VOTED:** To re-appoint Member Garvey as Chairman. Two in favor, one abstention, (Chairman Garvey).

Upon motion made by Member Flynn with Chairman Garvey stepping down to second the motion and back up to vote, the Board:

**VOTED:** To re-appoint Member Poillucci as Second Member. Two in favor, one abstention, (Member Poillucci).

Upon motion made by Member Poillucci with Chairman Garvey stepping down to second the motion and back up to vote, the Board:

**VOTED:** To re-appoint Member Flynn as Third Member. Two in favor, one abstention, (Member Flynn).

#### **Signing of Payroll Sheets**

Upon motion made by Member Flynn and seconded by Member Poillucci, the Board:

**VOTED:** To authorize any one of the Board Members to approve and sign payroll sheets. Unanimous vote in favor.

#### **2014 Board of Health License & Permit Renewals**

As stated on memo from Administrative Assistant Jo Lima, to renew the Common Victualler and Food Establishment Licenses for J & J's Seafood Drive-in.

Upon motion made by Member Flynn and seconded by Member Poillucci, the Board:

**VOTED:** To approve the Common Victualler and Food Establishment License for J & J's Seafood Drive-in. Unanimous vote in favor.

#### **Nomination of Inspector of Animals**

Upon motion made by Member Flynn and seconded by Member Poillucci, the Board:

**VOTED:** To approve the nomination of Jared Darling as the Inspector of Animals and the nomination of Laurice Hedges as Alternate Inspector of Animals. Unanimous vote in favor.

### **9 Third Ave. - (041-013-017) - Matheson**

Homeowner Michaela Matheson was present for discussion. Her request to the Board was to modify the restriction “no further expansion” that was voted on December 15, 1998, due to the proposed razing and reconstruction of her house. She began the discussion by saying that on April 20, 2013 a tree fell on her house. She said she wants to demo the house and build a two story house with a basement. She said that in 1999 she had a three bedroom septic system installed. She said at that time there was a restriction that required Board of Health approval to expand the house. Chairman Garvey asked her who condemned the house. She said it was someone from the town but wasn't sure who, possibly the fire department. She said at the time she had tenants living there and they were told they had to move out. Chairman Garvey said he wasn't sure why a three bedroom septic system was approved back then because of the lot size. He said he didn't see a problem as long as the septic system is functioning properly. He asked her how long it's been since the system was used. She said since April 2013. Chairman Garvey's recommendation was that if the board agreed, it would be approved with several stipulations. Agent Perry asked the Board if they wanted a three bedroom deed restriction placed on the property. Board Members felt it wasn't necessary because the system was designed for three bedrooms. Chairman Garvey said the only properties that require deed restrictions are two bedroom houses, and they are automatic deed restrictions. Board Members disagreed with the recording of a deed restriction for the number of bedrooms because it is stated on the septic design plan and they can't go beyond what the system is designed for. Agent Perry said it's always been a disclosure for the buyers and feels there should be consistency. Chairman Garvey said if Board Members feel that a property should have a deed restriction placed on it, they will vote it.

Upon motion made by Member Flynn and seconded by Member Poillucci, the Board:

**VOTED:** To approve the request to modify the restriction “no further expansion” that was voted on December 15, 1998 with the following stipulations: That the system is over flooded to ensure it can handle the gallons, the submittal of a passing Title V report, passing water tests for Lakeville potability parameters, the boards review of the plans and submittal of an as-built for the well and septic. Unanimous vote in favor.

### **Acceptance of Meeting Minutes**

Board Members reviewed the Board of Health meeting minutes from the March 19, 2014 meeting.

Upon motion made by Member Poillucci and seconded by Member Flynn, the Board:

**VOTED:** To approve the Board of Health meeting minutes from March 19, 2014 as typed. Two in favor, one abstention due to absence, (Chairman Garvey).

### **Discussion on Water Testing**

Member Poillucci stated that Health Agent Perry had received some conflicting information from water labs in regards to Gross Alpha test results and whether certain levels of contaminants are harmful to one's health. He stated to the Board that he felt people are spending a lot of money on filtration systems and he doesn't feel that the test results are a basis for the Board of Health to require treatment systems. His feeling was

risks should be disclosed to the homeowner, but it should be their decision whether or not they want to install a treatment system. He said it all depends on how much they use the water and what they use it for, but that the water test should still be required regardless. Chairman Garvey brought up Arsenic. Health Agent Perry said the results could be just a couple of points above the level but the report will state it doesn't meet the EPA and DEP standards for drinking water, so he recommend a treatment system and the well isn't considered potable. He said in regards to Gross Alpha, a report was received from 2012 Intern Brian Weeks that said for example, if the level is over 5 then it kicks off another test for Radium 226 and 228. He said it's a risk assessment and that every lab seems to interpret results a little differently. According to Brian's report, it's the granite bedrock in one portion of town that has the highest risk, rather than the sedimentary bedrock. Member Flynn said most of the well tests coming in are high in Manganese which still doesn't have a limit on it, it's a secondary contaminant. He said he thinks we have to keep testing for the Arsenic. He asked Health Agent Perry if we've had any wells test high for Gross Alpha. Agent Perry said if we did it's usually just over the risk assessment action level. Member Flynn said he wasn't sure if the limit is just over, if the well can be deemed potable. Chairman Garvey said not according to state standards. Member Flynn said Gross Alpha has an action limit which means it need monitoring. Member Poillucci said in his opinion, if it's a public well with the issue, it would need to be corrected because the public just isn't aware of the risks. He said even if testing is done for basic parameters, it doesn't mean that the lab includes Arsenic. The report just states that the results meet all the requirements for the parameters tested, not for every parameter there is. Agent Perry said it usually states that bacterially or chemically it passes for parameters tested. Chairman Garvey said testing for Arsenic should continue. Member Poillucci asked what if the results are slightly over the limits are they going to require a treatment system even if members of the household don't drink the water. Member Flynn said he thinks we have to. Agent Perry said it's where you draw the line. Chairman Garvey said testing was only done for Arsenic after the 2010 flood, and now it seems to be present in wells. He said the question is, at what point is it considered to be harmful? Member Flynn said the MCL that the DEP has set for Arsenic is still safe it just requires monitoring to ensure that levels aren't rising. He recommended that the testing for Gross Alpha continue and once enough data is compiled, the board can consider requiring a variance for wells. Member Poillucci was concerned about the potentially unnecessary cost to the homeowner and the fact that labs have conflicting information.

## **Other Business**

### **Food Handlers Certificates**

Chairman Garvey said that anyone who handles food should be required to take a food handlers course i.e. bartenders, waitresses etc. Board Members will vote this as a policy at the next meeting. He said this will include the Parks Dept. and any volunteers who will be handling food. He said that Middleboro conducts these classes. Once voted, letters will be sent to all food establishments advising them.

### **Job Description Classifications**

A memo was received to Board of Health Members requesting a definition on a couple of job descriptions and how the classifications are determined. Because this item was

not officially placed on this agenda, and can't be discussed in detail until the next meeting, Member Poillucci said to save some time in the interim a memo should be sent to the Board of Selectmen who are acting as the Wage and Personnel Board, requesting this information before the next Board of Health meeting.

Chairman Garvey said while on that subject the Board of Selectmen sent him a memo dated March 19, 2014 stating their approval of the Job Description for the Health Agent. Chairman Garvey said the changes they made should have been reviewed by Board of Health Members prior to the Board of Selectmen's approval. Some changes were made to the Health Agent Job Description that are incorrect. i.e. Performs soil and percolation tests vs. witnesses soil and percolation tests and should state performs/oversees Health Inspector in food establishment inspections. Agent Perry pointed out several other changes but Member Poillucci recommended not to discuss since it was not on the agenda.

Upon motion made by Member Flynn and seconded by Member Poillucci, the Board:

**VOTED:** To adjourn the meeting at 6:45 p.m. Unanimous vote in favor.

Accepted as Typed 5-14-14JL
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