

Board of Health Meeting Minutes
April 16, 2015

The Lakeville Board of Health held a meeting on **April 16, 2015** in the Lakeville Town Office Building. Present at this meeting were Board Members, Robert Poillucci, Terrence Flynn and Derek Maxim. Health Inspector Kevin Bernardo was also present. Absent: Health Agent Lawrence Perry

Chairman Poillucci called the meeting to order at 6:00 p.m. and noted that this meeting was being recorded by the Board of Health and LakeCAM.

Reorganization of Board of Health Members

Due to election held on April 16, 2015, reorganization of the Board of Health members is required.

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

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

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

VOTED: To appoint Member Maxim as Second Member. Two in favor, one abstention, (Maxim).

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

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

11 Pine Bluff (065-004-003)

Homeowner Leo Bisio was present for discussion. A letter dated March 19, 2015 was received to the Board of Health requesting an extension on the well and septic approval that had expired on June 14, 2014. Mr. Bisio explained that various factors put him behind schedule. Board members agreed that Mr. Bisio could revise the current plans showing the neighbors leach pit and submit a \$75 revision fee and the approval would be good for one year. Chairman Poillucci didn't believe a vote was needed because the change in the plans could be approved by the Health Agent.

6 Priscilla Dr. (055-001-031)

Chairman Poillucci recused himself from the discussion due to the fact he is the homeowners neighbor. Jon Pink from AZOR Land Sciences, Inc. was present. On behalf of his client John LeBlanc, he submitted a revised letter with associated plans dated April 10, 2015 as well as abutter cards. Some discussion was held. The following variances were requested:

LOCAL UPGRADE REQUESTS:

1. Reduction of the separation of a soil absorption system from high groundwater table in soils with a perc rate more than 2 mpi from 4' to 3'. Per D.E.P. Presby System remedial use approval issued 3/19/2013.
2. Sieve analysis performed in lieu of percolation test. Per 310CMR 15.405(1)(i).
3. Reduction of the distance of a soil absorption system from a surface water supply from 400' to 215'. Per 310CMR 15.405(1)(g).
4. Reduction of the distance of a septic tank to a crawl space from 10' to 4'. Per 310CMR 15.405(1)(b).

5. Reduction of the distance of a pump chamber to a slab from 10' to 4'. Per 310CMR 15.405(1)(b).

STATE VARIANCE:

1. Reduction of the 400' separation of a septic tank (75') and a pump chamber (90') from a surface water supply. Variance of 310CMR 15.211(1).

LOCAL BOARD OF HEALTH WAIVER:

1. Reduction of septic tank (2nd Compartment) volume from 550 gals. to 500 gals. (Lakeville BOH Reg. 2.8).

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

VOTED: To approve the above referenced variances as requested on the April 10, 2015 letter with the addition of a six inch effluent filter in the tank outlet tee to be shown on the as-built. Two in favor, one abstention, (Poillucci).

Freetown/Lakeville Regional School District - 98 Howland Road

A letter dated March 30, 2015 was received from Raymond Quinn, Director of Engineering Services at Sitec Environmental, Inc. On behalf of the school district he was requesting that board members waive the application fee to abandon the existing inactive septic and two distribution boxes at the Freetown/Lakeville Regional School District Campus.

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

VOTED: To waive the septic permit application fee for the Freetown/Lakeville School District. Unanimous vote in favor.

Discussion on Well Water Testing

Well Driller Doug Mann was present to discuss well water testing. He wanted some clarity on additional water testing requirements once Gross Alpha is detected. He voiced his frustration and stated that it appears as though no one really knows how the process should be handled. He said that he follows what Health Agent Perry tells him he is required to do, but then the results never seem to satisfy him. He doesn't feel Agent Perry and some of the engineers are knowledgeable enough in this area and can state what the health risks are if Gross Alpha is present. He said in his research he can't find anywhere that says how much of it could be harmful. Chairman Poillucci said he has been asking that question but can never seem to get a straight answer. Doug said he has spoken to the DEP three times and had gotten three different answers. He said the state doesn't require Gross Alpha testing and Lakeville is the only town that he works in that requires it. Member Maxim mentioned a water analysis that was done prior to him being appointed to the board and that the results came back at 15. Doug said that once it's over 15, a test needs to be done for Radium 226 & 228 and Uranium. He said he tested for those three items and the results came back as "none detected". He said he took it upon himself to test for Radon even though the BOH does not require it. When he got the results back it proved that Gross Alpha was present, but only because of the Radon level. He said Agent Perry then told him that he had to have an engineer test the water. Chairman Poillucci said that it was agreed upon by everyone present at one of the past meetings that once the first analysis came back bad, the Board of Health would sign off on the building permit and the engineer would take it from there. He said

what he understood was they would provide a letter to the Health Agent so that he could sign off on the occupancy permit. Doug said none of the engineers will do that because they don't want to take on that responsibility. Chairman Poillucci said that after the first test came back with Gross Alpha that Prime Engineering wanted to do the further testing. Doug said that he didn't recall that being discussed at that meeting but he feels that Jamie is not the type of engineer who is knowledgeable with regard to water and that Susan Jason is a Licensed Site Professional and as far as he knows, she may not even deal with drinking water. Member Maxim said that he did recall an analysis that came back fine for potability, but because there was Radon present, Susan would not provide a letter saying the water was safe to drink. Doug said that is the problem, no one wants to provide that letter. Member Flynn said this is the second test that came back with Radon present, but at that night's meeting everyone said it couldn't be because it was boiled out before it was tested. He felt they should be able to write the letter that says you can drink the water, but you don't want to shower in it because you would then be putting Radon in your house. He said you should treat for the Radon as you would in your basement, with what he thought was an aspirator on the well line. Doug said he just wanted some consistency on the testing and he wasn't getting that. He said that the state tells you to test for the three items once Gross Alpha is present. He said if those three items come back as "not detected" that should be the end of it. Poillucci said Health Agent Perry wasn't present so he felt it best to table the discussion and speak to the engineers in the meantime. Board members agreed to continue the discussion to next meeting.

Appointment of Inspectors of Animals

On March 18, 2015, Jared Darling was nominated as the Inspector of Animals and Laurice Hedges was nominated as Alternate Inspector of animals for the Town of Lakeville. The completed forms were sent to the State Department of Agricultural Resources for approval. Their Certificate of Appointments were received and Board of Health Members now need to appoint them for a term expiring April 30, 2016.

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

VOTED: To approve the appointment of Jared Darling as the Inspector of Animals and the appointment of Laurice Hedges as Alternate Inspector of Animals from May 1, 2015 through April 30, 2016. Unanimous vote in favor.

Signing of Payroll Sheets

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

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

Acceptance of Meeting Minutes

Board Members reviewed the Board of Health meeting minutes from March 18, 2015.

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

VOTED: To approve the Board of Health meeting minutes from March 18, 2015 as typed. Unanimous vote in favor.

Board of Appeals Petition

Marcus Baptiste – 7 Main St.

Board Members reviewed the Petition for Hearing. A short discussion was held as they had already been made aware of this at a previous meeting.

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

VOTED: To send a letter to the Zoning Board of Appeals stating that with the limited information they were given, they saw no issues as long as all Board of Health Permits are met and any wells within 400' from neighboring properties are relocated or the property connects to municipal water. Unanimous in favor.

Not on Agenda

Lakeville Eagles / (037-001-002)

Chairman Poillucci said he received a call regarding the Eagles. From what Chairman Poillucci understands, the downstairs kitchen is permitted but the upstairs kitchen is not. There is a pizza oven upstairs. He received a call asking why they could no longer make pizza. He said he spoke to Inspector Bernardo prior to the meeting. He asked Inspector Bernardo if it was a cleaning issue and if all the equipment is in working condition. Inspector Bernardo said he wasn't sure. He said if they just wanted to use the pizza oven, everything else is clean and someone monitors the refrigerator he doesn't see a problem. Chairman Poillucci said they have spent a lot of money and are putting a lot of effort into cleaning the place up. He said if pizza is a big seller for them he doesn't want to hold them up. Member Maxim asked how the permit is written up. Inspector Bernardo said if they have a function there, they have to fill out a catering informational form that lists who was working and what was served, in case there is an outbreak. They will also have to fix a urinal that wasn't working when he was there. Chairman Poillucci asked if they could sell food to the public even though they are a private club. Inspector Bernardo said yes. He said as far as the Board of Health, they have a food establishment license; they have their certifications and liability insurance, so they can have functions there. Chairman Poillucci said that maybe they have some type of agreement on their end that has nothing to do with the Board of Health. Member Maxim asked Inspector Bernardo if he had done an inspection upstairs. Bernardo said he did do an inspection, but needs to conduct a follow up. He told them once it's re-inspected the *caterer's only* can use the *bar area only (upstairs)*. Chairman Poillucci said it was under the health agent and inspectors authority and the board didn't need to vote.

Update on 201 Main St. / (058-003-005)

In a memo dated April 9, 2015 from Administrative Assistant Jo Lima, members were given an update on the stable and the removal of an additional horse that was to be removed from this property by April 8, 2015 due to insufficient lot size. She stated she spoke to Animal Inspector Jared Darling who confirmed there is currently only one horse on the property.

Update on Loon Pond Lodge Licensing / 28 Precinct St. / (027-002-028)

Inspector Bernardo said he went out today to verify what was agreed upon at the last meeting. They were going to go with plan A: to use caterers, lock the kitchen, install hand wash sink at bar area, and submit copies of all their calendar/events. On his follow up inspection, the hand sink at bar station was not installed; kitchen door not locked and he had called their coordinator to get a list of their events and never heard back. He said while he was on the inspection, he called the Parks Coordinator

who said she would be sending him the event calendar. She also told him that recently two members passed the ServSafe Certification, herself and Chairman Hopkins. She asked if they could revert to Plan B: where they would be responsible, keep the kitchen open, but still require them to install the hand wash sink. Chairman Poillucci said it wasn't up to the Board of Health, they can, but they need to get the insurance which is very expensive and the Selectmen do not want to pay for it. He said it is up to the Park Dept. They failed to comply with plan A. Member Maxim said the board was very specific at the last meeting and that they weren't supposed to have another function unless everything was done. Inspector Bernardo said they went against everything the Board of Health had told them they needed to do. He was told the caterers have been using the kitchen to set up but not using the ovens. At the bar area he said there is a three bay sink which is not plumbed yet and a sink sitting on the cooler. He was also told that they thought that because they were now ServSafe certified that they could divert from what was agreed on. Member Maxim asked if they had their anti-choking certification. Inspector Bernardo said he didn't believe so. More discussion was held. Member Maxim said he didn't understand what the problem was and suggested that they be given a time frame and be shut down should they don't comply. Chairman Poillucci asked Inspector Bernardo if he could advise them tomorrow that they have 10 days to comply or they will be shut down. He said he would submit something in writing and have it signed when he delivers it.

Tobacco Discussion

Member Flynn began the discussion by saying that he was leaning less and less to changing the regulations because the state seems to be implementing what we are trying to. Member Maxim agreed. Inspector Bernardo asked that in the interim, do we allow establishments to sell e-cigarettes to minors? He said although we know we will never stop smoking, the goal is to protect youths from getting access to them and picking up this habit and carrying it throughout their lives, because they will try. He explained that we would just be adding e-cigs to our current regulations. The only way to prevent this is by doing compliance checks and education and giving our permitted establishment's ammunition to ID consumers. He said what he wanted to discuss today was adding one more paragraph that wouldn't go into effect until the 2016 permits/licenses application is mailed. In the section titled "Tobacco Product Sales Permit" would read "Issuance of a tobacco product sales permit shall be conditioned on the applicants consent to an unannounced periodic inspections of his/her retail to ensure compliance with this regulation". This way we know that we have checked the establishment; given them proper training and/or signage and we are protecting the population under the age of 18. He said he feels the Board of Health should take action. He said we aren't trying to trick anyone we just need to let them know that we are watching for this. Chairman Poillucci said he didn't know for sure if we were even funded for this yet and mentioned if we don't get funded that some kids need to do community service and maybe this could be part of it.

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

VOTED: To add the following paragraph to the Lakeville Board of Health current tobacco regulations and permit application: "Issuance of a tobacco product sales permit shall be conditioned on the applicants consent to unannounced periodic inspections of his/her retail to ensure compliance with this regulation" and to begin using new

applications (Exhibit A) that includes a 20 question checklist (pg 2), removing questions #11 blunt wraps are prohibited, (beginning with 2016 tobacco permits). Unanimous in favor.

Board members decided on June 20, 2015 and July 10, 2015 for the next Board of Health Meeting dates. Chairman Poillucci said if necessary we can schedule one in between.

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

VOTED: To adjourn the meeting at 7:26 p.m. Unanimous vote in favor.