

Board of Health Meeting Minutes
May 23, 2012

The Lakeville Board of Health held a meeting on **May 23, 2012** in the Lakeville Town Office Building. Present at this meeting were Board Members William Garvey, Robert Poillucci and Terrence Flynn. Also present were Health Agent Lawrence Perry and Board of Health Clerk 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 Clerk Lima.

4 Mark Twain Dr.

043-009-014

Marsha Maxwell

Jon Pink was from Azor Land Sciences, Inc. was present for discussion. Abutter certified mail receipts were submitted. Mr. Pink mentioned that this property was affected in the 2010 flood and they are rebuilding everything. They want to keep the old well for irrigation which he would edit on the plan. Chairman Garvey recommended that a retaining wall plan be submitted. The following variances were requested:

LOCAL UPGRADE APPROVAL REQUESTS

1. Sieve analysis performed in lieu of percolation test per 310CMR 15.405(1)(i).
2. Reduction(s) of the 400' setback from a surface water supply to the following soil absorption system 127', pump chamber 110' and septic tank 101'. Per 310CMR 15.405(1)(g).
3. Reduction(s) of the 100' setback from a wetland bordering a surface water supply to the following: soil absorption system 70', pump chamber 60' and septic tank 63'. Per 311CMR 15.405(1)(e).
4. Reduction of the setback of a soil absorption system to a property line from 10' to 7' per 310CMR 15.405(1)(a).

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

VOTED: To approve the variances as requested subject to approval of a retaining wall plan. Unanimous in favor.

26 Spruce St.

042-005-012

Sarah Sullivan

Engineer Jaime Bissonnette from Prime Engineering, Inc. was present for discussion. Two abutter cards were submitted. Jamie stated that he and Health Agent Perry have had some discussion and that there are some concerns with the origin of the shared well and the way that it is plumbed in, the yield and the failing system on the abutting lot. Member Poillucci asked if the plan was to just go back on the water supply and just get approval on the two variances to put the septic in. Jamie said that if the Board was to tell him to tie back into the water supply that they would go that avenue, but he just wasn't sure of the process. Member Poillucci asked where the water was coming from to which Jamie replied it was tied into the well next door. Chairman Garvey said he believed it had been tied into the water supply before. Jamie said that the only information he had was that the owner retired and moved to Florida and claimed that it was already tied into the well. Jamie said there was no one living there now. Member Garvey said that he would recommend approval subject to them tying into a seasonal water supply. The following variances were requested:

LOCAL UPGRADE APPROVAL REQUESTS

1. A reduction from 10' to 5' is requested from section 310CMR 15.211 which requires the soil absorption system to be at least 10' from a property line.
2. A reduction from 100' to 90' is requested from well on 19 Spruce St, 41-6-8 & 9 from section 310CMR 15.211 which requires the soil absorption system to be at least 100' from a private water supply well.

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

VOTED: To approve the variances as requested subject to tie in of a seasonal water supply. Unanimous in favor.

Clerk Lima mentioned that Ms. Nepini had called and said she would not be present for meeting. Board Members reviewed a request letter from homeowner Janice Nepini to rescind a previously issued \$100 fine for failing to comply with Board of Health orders. Member Garvey stated that she still has not complied with all of the Board of Health orders (submittal of a water test) and that she owes back taxes.

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

VOTED: To not waive the \$100 fine. Unanimous in favor.

7 & 9 Shore Ave. Tight Tanks (Raggs) – Mr. & Mrs. David Rogers from 7 Shore Ave. were present for discussion. A letter was received from Engineer Anthony DelGaizo from Raggs, Inc. requesting a reduction in the tight tank inspections from four times per year to two times a year. The letter stated that the property is only in use seasonally for six months during the year and is uninhabited during the remainder of the year. Chairman Garvey stated that he did not have a problem with reduction in the number of inspections, but he had issues with them not being up to code yet. Mr. Rogers stated that the electrician for Raggs had been at his property today and put an outside box for the tank and that he was supposed to come down to Town Hall today. He said he had finally gotten a hold of Mr. Fish and that he was supposed to contact the Board of Health to rectify everything. Health Agent Perry said that he did call and that Mr. Raggs was going to have a survey done and that an as-built was going to be submitted before the June meeting. Mr. Rogers said when he hired Raggs; he was under the assumption that all permits for the tight tank would be covered and that now Mr. Fish is saying that there is something new that the Board has done after he had started the job and that the Roger's would have to assume the cost of it on top of what they already paid. Member Garvey stated that the tight tank regulations have not changed. He said that approximately five years ago the electrical part of it was changed and these regulations were in effect when he pulled this permit. Mr. Rogers said that Raggs has done nothing but give him a lot of grief as well as the Board of Health, he believed. Member Garvey asked Health Agent Perry to get a copy of the electrical specifications for Mr. Rogers. He said if this regulation was in effect at the time the permit was pulled, putting the D-Box on the outside should be of no cost to Mr. Rogers. Mr. Rogers stated that Mr. Fish said the as-built plan would also be an additional cost to him. Member Flynn stated that we've always required an as-built and if there were changes to the proposed plan he would have to show those changes on the as-built. Member Poillucci said Raggs pulled the permit and is responsible for adhering to any regulations that were in effect at that time and that if he doesn't follow them, that Mr. Rogers has civil avenues that he can take. He said that all the Board of Health could do is give him copies of any documentation. Health Agent Perry added that Raggs electrician came in and hadn't seen a copy of the electrical specs, which didn't help.

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

VOTED: To approve the request for a reduction in the tight tank inspections from four times per year to two times per year for 7 Shore Ave. Unanimous vote in favor.

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

VOTED: To approve the request for a reduction in the tight tank inspections from four times per year to two times per year for 9 Shore Ave. Unanimous vote in favor.

Chairman Garvey entertained a motion to send a letter to Raggs, Inc. advising them that the Board of Health will not accept any new applications or projects from their company until all work at 7 & 9 Shore is complete.

VOTED: To send a letter to Raggs, Inc. advising them that the Board of Health will not accept any new applications or projects from their company until all work at 7 & 9 Shore is complete. Unanimous vote in favor.

it was a timing issue and that Mr. Reilly is going to be applying to ZBA and he was trying to explain the process to him. Mr. Reilly said he was not looking to expand his existing footprint. His plan is to build up over his basement level. He said he is not adding bedrooms, just wants 12 more feet of family space. Chairman Garvey and Member Poillucci commented when reviewing his plans that he was going outside of his existing footprint. Chairman Garvey wanted to see where the old deck was and where the septic was. Agent Perry said the property is a two bedroom with no increase in flow. Chairman Garvey said he didn't have a problem with it. Member Poillucci said that he thought it was up to the ZBA to determine the number of bedrooms, but Chairman Garvey said that the BOH follows the Title V definition of a bedroom. Chairman Garvey requested a Title V be done due to the size of the addition.

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

VOTED: To send a letter to Zoning Board of Appeals, no issues with the preliminary review for the addition as long as passes Title V inspection. Unanimous in favor

Appointment of Inspector of Animals & Alternate Inspector of Animals

Upon a motion made by Member Flynn and seconded by Member Poillucci, 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. Unanimous in favor.

Review of drafted contract for Body Art Establishment Inspections

Board Members reviewed the drafted contract for Body Art Establishment inspections. Health Agent Perry submitted a copy of this draft signed by Donna Palmer, R.N. which will be forwarded to the Board of Selectman for their review.

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

VOTED: To approve the contract as typed. Unanimous in favor.

2012 Board of Health New & Renewal Licenses & Permits

Body Art Establishment License

Inspiration Body Art Studio

Body Art Practitioner License

Robert M. Pike (Anatomy course to be completed by June 30, 2012)

Milk & Cream Licenses

Annelise Dexter d/b/a **Danish Dogs**

Aramark Educational Services, LLC / **Apponequet High School**

Aramark Educational Services LLC / **Assawompset Elementary School**

Aramark Educational Services LLC / **Freetown Lakeville Middle School**

Aramark Educational Services LLC / **George R. Austin Intermediate School**

Assawompssett Golf Co., LLC d/b/a **LeBaron Hills Country Club**

BBP Corp. d/b/a **Muckey's Liquors**

Corporate Chef's (Talbots)

Gulf Resources, Inc. (**Joe's Gas**)

Island Terrace, Inc.

Hawaii Corp. d/b/a **Orchid of Hawaii Restaurant, Inc.**

J & J's Seafood Drive-In

Joseph R. Starr d/b/a **Starrs Country Market**

Lakeville Aerie No. 3994 Fraternal Order of Eagles, Inc.
Lakeville Golf Club, Inc. (**New Application**)
MFH Acquisition of Lakeville LLC (**Dunkin Donuts**)
Poquoy Investment Group LTD d/b/a **Poquoy Brook Golf Course**
Sava's Liquors, Inc.
Sedell, Inc. d/b/a **Sedell's Pharmacy**
Somethin's Brewin' Book Café
Tamarack Wine & Spirits, Inc.
Tand, Inc. d/b/a **Subway**
Tutto Italiano, Inc.
The Back Nine Club LLC
The Sunshine Café
Unidine Corporation @ Ocean Spray Cranberries
Walgreens #10269

Septage Pumper Licenses

Russell Frade d/b/a Russ Frade Enterprise (**New Application**)

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

VOTED: To approve the Body Art, Milk & Cream and Septage Pumper Licenses as submitted on the memo from Board of Health Clerk Lima dated May 16, 2012. Unanimous vote in favor.

Possible New Position Job Description Approvals

A discussion began by Member Poillucci stating that he would not be available to attend the Wage & Personnel Meeting on May 23, 2012 and asked Chairman Garvey to attend the meeting in his behalf. Member Poillucci said to make note that the vote in regard to the approval of the possible new position job descriptions needs to be forwarded to Wage & Personnel for the May 23rd meeting, and then to Town Meeting on June 4th for approval of any wage increases.

The discussion continued relative to approving the new job descriptions for a possible Board of Health Part-Time Clerk, Part-Time Health Agent and Office Administrator. Chairman Garvey then entertained a motion to eliminate the Board of Health Supervisor Position once Supervisor Nancy Teser retires.

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

VOTED: To eliminate the Board of Health Supervisor Position once Supervisor Nancy Teser retires. Unanimous vote in favor.

Possible Office Administrator Position:

Member Flynn reviewed the draft copy of the job description for the possible Office Administrator Position and advised the Board that he was fine with it. It will be forwarded to Wage & Personnel for approval.

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

VOTED: To accept the May 23, 2012 draft copy of the possible Office Administrator Job Description as typed. Unanimous vote in favor.

Possible Part-Time Health Agent Position:

A short discussion was held regarding a possible Part-Time Health Agent position.

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

VOTED: To revise the current Part-Time Health Agent dated job description 11-16-04 and forward it to Wage & Personnel for approval. Unanimous vote in favor.

Possible Part-Time Clerk Position:

A short discussion was held regarding a possible Part-Time Clerk position.

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

VOTED: To submit to Wage & Personnel the current Part-Time Clerk Job description dated 1/4/10, changing the hours from 30 hours per week to no more than 16 hours per week. Unanimous vote in favor.

Health Agent Job Description:

Chairman Garvey stated two years ago the Health Agent job description was voted on by the Board of Health Members and was submitted to Wage & Personnel. The job description was pulled by Member Poillucci due to a conflict with the Health Agent and the Supervisor Position.

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

VOTED: To revise the Health Agent job description and forward to Wage & Personnel for approval. Unanimous vote in favor.

Discussion relative to the Mileage Reimbursement procedure

Some discussion was held. No action at this time.

Appointment of 2012 BOH Arbovirus Coordinator and Back-up Coordinator

A questionnaire was received from the MDPH asking that cities and towns appoint a Primary and Back-up Coordinator to receive notification about any WNV or EEE positive specimens within the city/town.

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

VOTED: To appoint Health Agent Perry as Board of Health Arbovirus Coordinator and Board of Health Clerk Jo Ann Lima as back-up coordinator. Unanimous vote in favor.

Title V Soil Evaluator Refresher Class

Chairman Garvey stated that he wanted to take this class.

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

VOTED: To approve the \$300 fee for Chairman Garvey's attendance at this class and to transfer available funds from the Advertising and/or Printing account. Unanimous vote in favor.

Operation of a Semi-Public Pool License

There was a discussion held in regards to the fee(s) charged relative to the Operation of a Semi-Public Pool License.

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

VOTED: To amend the following fees: \$100 for spa inspections, \$100 for a pool inspection and \$50 for each additional pool inspection. Any re-inspections will be \$50. Unanimous vote in favor.

Acceptance of meeting minutes from April 4, 2012

Board Members reviewed the minutes.

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

VOTED: To approve the Board of Health minutes for the meeting held April 4, 2012 as typed. Unanimous vote in favor.

Memo from Town Administrator Garbitt regarding Mosquito Control Commissioner

The Board of Selectmen received communication from the State Reclamation and Mosquito Control Board seeking qualified people to serve as Mosquito Control District Commissioners. The Selectmen were inquiring if the Board of Health may know of anyone who might like to have their name considered to serve as a District Commissioner. No discussion held at this time.

Communication received from Barbara Hopson, Department of Agricultural Resources

This communication was relative to Michael Dyksinski of 1 Patrick Thomas Court who currently has a stable permit. Board of Health Clerk Lima sent an email to Ms. Hopson advising her that Chairman

Garvey stated Mr. Dyksinski once again had his horses on state property. Health Clerk Lima asked if the state had given him permission to keep his horses on there. Ms. Hopson replied stating that Mr. Dyksinski **has not been** given permission to have his horses on the state land and that she was bringing it to the MDAR legal counsels attention.

Well Trench Permits

Some discussion was held regarding well trench permits and how they should be handled. Chairman Garvey said he would discuss this with Bob Iafrate from the Building Dept.

Certified Pool Inspector Course

Member Garvey entertained a motion to approve the \$200 fee for Health Agent Perry's attendance at the Certified Pool Operator Course in Norwood on June 19th & 20th.

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

VOTED: To approve the Certified Pool Operator Course fee of \$200 and transfer the funds from the Advertising and/or Printing account. Unanimous vote in favor.

Vendor Warrants were signed by the Board Members.

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

VOTED: To adjourn the meeting at 7:30 p.m. Unanimous vote in favor.

Accepted as typed 6-20-12 JL
